

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.9477 of 2015**

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1. Md. Ismail son of Late Haji Abdul Rahman resident of village- Simraha, P.S.- Barari, District- Katihar.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Panchayati Raj Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Rural Development Department, Govt. of Bihar, Patna.
3. The Commissioner, Purnea Division, Purnea.
4. The District Magistrate, Katihar
5. The Dy. Development Commissioner-cum-Addl. District Programme & Co-ordinator, D R D A, Katihar.
6. The Programme officer, Barari, District- Katihar
7. The District Certificate Officer, Katihar
8. The Chief Engineer, Technical Ex-Part cell & Vigilance Department, Bihar, Patna.
9. The Executive Engineer, Technical Expert Cell, Vigilance Department, Bihar, Patna.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Respondent/s : Mr. Mahtab Alam, AC to SC 20

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL JUDGMENT**

**Date: 29-08-2018**

The present writ petition has been filed for the following  
reliefs—

- (i) For quashing the order dated 01.06.2012 passed by the D.D.C. Katihar whereby the earlier demand/recovery of Rs. 2,28,433.33 and Rs. 98,744.75 has been need to be correct.
- (ii) For quashing the order contained in



memo nos. 89 and 93 issued by the D.D.C., Katihar by which the petitioner has been directed to pay Rs. 2,28,433.33 and Rs. 98,744.75 pursuant to report of the Vigilance Department as the aforesaid amount alleged to have been paid without execution of the work.

- (iii) For quashing the certificate case no. 1/2012-13 which has been initiated against the petitioner for recovery of Rs. 3,27,118/-
- (iv) For quashing the order dated 20.05.2015 issued by the D.D.C., Katihar, directing the Programme Officer, Barari to lodge FIR against the petitioner and others because they have not paid the dues in question.
- (v) For any other relief(s) for which the petitioner is found

2. Learned counsel for the petitioner appears, but he is unable to assist the Court with respect to the pleadings in the writ petition. However, it prima facie appears on a perusal of the averments in the writ petition that a certificate case no. 1/2012-13 has been initiated against the petitioner, but no objection petition under Section 9 of the PDR Act appears to have been filed.

3. Learned counsel for the respondents appears and states that objection petition has not been filed by the petitioner before the Certificate Officer.



4. In the above circumstances, the writ petition is disposed of granting liberty to the petitioner to file his objection petition under Section 9 of the Act within a period of three weeks from today, which, if done, shall be disposed of by the Certificate Officer on its own merits in accordance with law.

**(Vikash Jain, J)**

Chandran/BT

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