

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2074 of 2015

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Chandrika Ram Kanya, Principal Madhya Vidyalaya Son of Late Shiv Ratan Ram
Resident of Village - Uttimpur Post Office - Bhagwanpur, Police Station -
Parasa, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Certificate Officer, Chapra, Saran.
3. Block Education Officer, Amnour.
4. District Programme Officer, Primary Education and Education for all
Programme.
5. Anupam Singh (Secretary, Kanya Madhya Vidyalay) Amnour Village - Gaisi
Amnour, Post Office and Police Station - Amnour District - Saran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Sangeeta Sharma, Adv

For the Respondent/s : Mr. Krishna Kumar Singh, AC to GP 24

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 24-08-2018

The present writ petition has been filed for quashing the order dated 29.08.2014 and the entire proceeding of Certificate Case No. 3 of 2013-14 by which warrant has been issued for recovery of Rs. 8,87,096/-.

2. Learned counsel for the petitioner invites reference to the impugned order dated 29.08.2014 which takes note of the objection petition filed by the petitioner under Section 9 of the PDR Act. The objection of the petitioner has been noted in the said order and direction has been given for filing reply by the respondents. In the same breath, warrant has been directed to be issued and that too by subsequent insertion.



3. Learned counsel for the respondents appears and refers to the counter affidavit to submit that the amount of Rs. 8,87,096/- remained unutilised by the petitioner for construction of the school building and hence the recovery proceeding has rightly been initiated against the petitioner.

4. Having heard the parties and on consideration of the materials on record, this Court finds substance in the contention of the petitioner. A bare perusal of the impugned order discloses that the objection petition of the petitioner filed under Section 9 of the PDR Act has not been disposed of. Even though a reply has been called for from the respondents, the same has not been awaited and without passing any final order on the objection petition, the Certificate Officer has directed issuance of warrant, which is unsustainable.

5. In the above view of the matter, this Court directs the Certificate Officer, Chapra (Saran) (respondent no. 2) to consider and dispose of the petitioner’s objection petition filed under Section 9 of the PDR Act on its own merit in accordance with law.

6. In the meantime, the Certificate Officer, Chapra (Saran) shall refrain from resorting to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 3 of 2013-14.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
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