

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16952 of 2015

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Roshan Kumar Thakur S/o Sri Ramesh Thakur Resident of Village - Chainpur,
P.S. - Bangaon, District - Saharsa, Executive Assistant, Paddy Purchase Centre
Simri Bakhtiyarpur, P.S. Bakhtiyarpur, District - Saharsa.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
3. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd, Sone Bhawan, Fifth Floor, Birchand Patel Road, Patna.
4. The District Magistrate, Saharsa.
5. The District Certificate Officer, Saharsa.
6. The District Manager Bihar State Food Corporation, Saharsa.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Tara Nath Jha, Advocate.
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate.
For the State	:	Mr. Subodh Kumar, AC to SC-26

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 31-08-2018

The present writ petition has been filed for quashing the entire certificate proceeding in connection with Certificate Case No. 06 of 2013-14 pending in the court of respondent no. 5, the District Certificate Officer, Saharsa; further for quashing the order dated 30.06.2015 passed in Certificate Case No. 06 of 2013-14 by the Certificate Officer (respondent no. 5) and in particular the order dated 30.06.2015 by which the objection petition under Section 9 of the PDR Act has been rejected.



2. Learned counsel for the petitioner raises a short submission to the effect that a specific ground has been raised in paragraph-6 of his objection petition filed under Section 9 of the Act to the effect that the liability has been fixed for the missing paddy worth of Rs. 25,23,986/- jointly on the petitioner along with in-charge of the Paddy Purchase Centre, Md. Aslam and recovery has been sought for the said amount from each of the said persons through separate requisitions issued by the respondent-Corporation.

3. Learned counsel for the respondents appears and has been heard.

4. Having regard to the nature of the grievance of the petitioner as well as the impugned order dated 30.06.2015 passed by the Certificate Officer, Saharsa, this Court finds substance in the writ petition. It would appear that the value of the missing paddy was Rs. 25,23,986/- which is being sought to be recovered both from the petitioner as well as Md. Aslam without bifurcating the liability of each of these persons. This aspect of the matter has not been considered and decided by the Certificate Officer while disposing of the objection petition of the petitioner and to that extent the impugned order dated 30.06.2015 cannot be said to be a speaking order.

5. In the above view of the matter, the impugned order dated 30.06.2015 is hereby quashed and the matter remanded to



the Certificate Officer, Saharsa (respondent no. 5) to pass orders afresh after grant of opportunity of hearing to the petitioner in accordance with law expeditiously and in any event preferably within a period of 12 weeks from the date of receipt/production of a copy of this judgment. The Certificate Officer shall refrain from taking coercive steps for recovery against the petitioner until such disposal.

6. The writ petition stands allowed.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	05.09.2018
Transmission Date	N.A.

