

## IN THE HIGH COURT OF JUDICATURE AT PATNA

### Civil Writ Jurisdiction Case No.21972 of 2013

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Rajeev Kumar Ranjan, Son of Bindeshwari Prasad Singh, Resident of Village +  
P.O. Amni, P.S. Mansi, District-Khagaria, presently posted as Revenue  
Karamchari, Anchal - Beldaur, District - Khagaria

.... .... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Department of Finance, Government of Bihar, Patna
3. The Principal Secretary, Department of General Administration, Government of Bihar, Patna
4. The Divisional Commissioner, Munger Division, Munger
5. The Deputy Development Commissioner, Khagaria
6. The District Magistrate, Khagaria
7. The District Certificate Officer, Khagaria
8. The Block Development Officer, Gogri, District - Khagaria
9. The Block Development Officer, Bendaaur, District - Khagaria

.... .... Respondents

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#### Appearance :

For the Petitioner : Mr. Pramod Mishra, Advocate

For the Respondents : Mr. Ajay, GA 5

Mr. Ashish Kumar Lal, AC to GA 5

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

ORAL JUDGMENT

**Date: 17-09-2018**

The present writ petition has been filed for the following

reliefs –

*“(i) A certiorari setting aside the certificate proceeding initiated against the petitioner vide Certificate Case No. 01/2012-13 by the Respondent Block Development Officer, Gogri on 5.02.2013 regarding which notices were issued and served upon the petitioner on 11.03.2013, without giving any prior notice, asking show cause and any opportunity of hearing which is a clear case of violation of principle of natural justice which goes to show the arbitrary attitude of the*



*authorities concerned only with a view to save their skin and made the petitioner scapegoat.*

*(ii) A Mandamus commanding and directing the Respondents concerned not to take any kind of coercive step against this petitioner with regard to scheme in question and get the matter enquired in accordance with law, as the petitioner while posted as Revenue Karamchari under Gogri Block, District-Khagaria has executed the scheme of solar light installation under B.R.G.F. scheme of 12th Finance Commission project during year 2007-08 and 2008-09 as per approval of Aam Sabha of concerned Gram Panchayat but now the petitioner is being prosecuted without any fault and in violation of principles of natural justice.*

*(iii) And/or any other relief or reliefs for which the petitioners are found entitled to in the facts and circumstances of this case.”*

2. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 01/2012-13 against the petitioner in terms of Section 7 of the Bihar & Orissa Public Demands Recovery Act (for short, “PDR Act”) for recovery of the dues amounting to Rs. 2,20,000/- are wholly illegal and liable to be quashed.

3. Learned counsel for the respondents submits that the petitioner does not appear to have filed any objection petition under Section 9 of the Act denying his liability, and as such there is no



illegality in the action of the respondents.

4. With the consent of parties, the present writ petition is disposed of granting liberty to the petitioner to file his objection petition under Section 9 of the PDR Act within a period of three weeks from today, which, if done, shall be disposed of by the District Certificate Officer, Khagaria (respondent no. 7) on its own merits within a further period of four weeks thereafter in accordance with law and in terms of Section 10 of the said Act.

5. It is made clear that until disposal of such petition, if filed, the District Certificate Officer, Khagaria shall refrain from resorting to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 01/2012-13.

**(Vikash Jain, J)**

B.T/Chandran

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