

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11898 of 2015

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Sudhir Kumar Panday S/o Nand Kumar Panday R/o Panday Niwas, Nai Bazar,
P.S. Town, District Muzaffarpur Presently posted as Block Co-operative Officer,
Sahar, District Ara.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply, Bihar, Patna.
2. The Principal Secretary, Food and Civil Supply, Bihar, Patna.
3. The District Magistrate, Darbhanga.
4. The Addl. Collector-cum-District Certificate Officer, Darbhanga.
5. The Bihar State Food and Civil Supply Corporation Ltd. through its Managing Director, Sone Bhawan, Birchand Patel Marg, Patna.
6. The Managing Director, Bihar State Food and Civil Supply Corporation Ltd., Sone Bhawan, Birchand Patel Marg, Patna.
7. The District Manager, Bihar State Food Corporation, Darbhanga.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar, Advocate
For the Respondents : Mr. Harish Kumar- GP8
For the BSFC : Mr. Shailendra Kr. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 30-08-2018

Heard learned counsel for the petitioner, learned
counsel for the State as well as learned counsel for the respondent-
Corporation.

2. The present writ petition has been filed for quashing
the order dated 20.05.2015 passed by the Additional Collector-cum-
District Certificate Officer, Darbhanga (respondent no. 4) in



Certificate Case No. 10/2014-15 whereby and whereunder he held the petitioner liable for recovery of a sum of Rs. 2,98,954/-; and for connected reliefs.

3. Learned counsel for the petitioner submits that the impugned order has been passed without, however, grant of any opportunity of hearing and no notice has been served upon the petitioner.

4. Learned counsel for the respondent-Corporation appears. However, no counter affidavit has been filed till date.

5. Having regard to the nature of the grievance of the petitioner and the specific stand of the petitioner taken in paragraph 7 of the writ petition with regard to violation of the principles of natural justice, the impugned order dated 20.05.2015 (Annexure-1) is hereby quashed insofar it concerns the petitioner only and the matter remanded to the Additional Collector-cum-District Certificate Officer, Darbhanga (respondent no. 4) for passing fresh orders with respect to the petitioner after service of proper notice and grant of opportunity of hearing to the petitioner.

6. It is made clear that in case the stand of the petitioner with regard to non-service of the notice prior to passing of the impugned order being passed is found to be incorrect, the respondents shall be at liberty to approach this Court for recall of this



judgment.

7. The writ petition stands allowed as above.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	08.09.2018
Transmission Date	N.A

