

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14479 of 2018

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Sumitra Devi Wife of Sh. Anil Kumar Yadav, Resident of Village-Basua,
P.O.-Tharhi, Via Andhra Tharhi, Block-Andhra Tharhi, District-
Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Social Welfare, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Social Welfare, Govt. of Bihar, Patna.
3. The Director, Integrated Child development Scheme (I.C.D.S.), Vikash Bhawan, Patna.
4. The Divisional Commissioner, Darbhanga,
5. The District Magistrate, Madhubani.
6. The Deputy Development Commissioner, Madhubani.
7. The Child Development Project Officer (C.D.P.O.), Andhra Tharhi, District-Madhubani.
8. The Sr. Deputy Collector-Cum-the District Certificate Officer, Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Ranjan, Adv.

For the Respondent/s : Mr. Asit Kumar Jha, AC to GP-2

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 11-10-2018 The present writ petition has been filed for quashing the certificate proceeding initiated vide Certificate Case No. 02/2016-17 pending before the District Certificate Officer, Madhubani.

The learned counsel for the petitioner has submitted that the notice issued under Section 4 and 6 of the Bihar & Orissa Public Demands Recovery Act, 1914 dated 19.01.2017 is bad inasmuch as the same has been signed by the CDPO, Andhra Tharhi, Madhubani as well as the Certificate Officer, Madhubani.

The learned counsel for the petitioner has relied upon a judgment of this Court reported in 1958 BLJR 820 (Nageshwar



Prasad Singh vs. Rai Bahadur Kashinath Singh) wherein the learned Division Bench of this Court has observed as follows:

“The Certificate-Officer must meticulously apply his mind to filling the certificate and filling in the columns and blanks correctly and in appending his certificate in the form prescribed, and that the filling in of the forms is a matter of substance and is imperative, to give the certificate the force of a decree of court of law, and if it is found that the Certificate-Officer had not applied his mind at all and that some of the blank spaces were not filled up, or were incorrectly filled up, the document so prepared and filed is not a certificate under the Public Demands Recovery Act. The certificate proceedings are wholly invalid and the officer concerned acts without jurisdiction”.

I have heard the learned counsel for the parties and perused the materials on record and I find that the notice issued to the petitioner under Section 4 and 6 of the Bihar & Orissa Public Demands Recovery Act, 1914 suffers from inherent defects inasmuch as the same has not only been signed by the Certificate Officer, but has also been signed by the CDPO, hence, the same is liable to be quashed and is accordingly, quashed. However, liberty is granted to the certificate officer, Madhubani to issue a fresh notice and proceed in accordance with law.

The writ petition is allowed.

(Mohit Kumar Shah, J)

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