

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2632 of 2019

Radhika Devi aged about 40 years (female) wife of Surajdeo Verma, Resident of Village-
Fatehpur,P.S- Fatehpur, District- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Commissioner, Magadh Division,Gaya.
3. The District Magistrate,Gaya.
4. The Director, Accounts Administration and Self Employment, District Rural Development Authority, Gaya.
5. Deputy Development Commissioner, Gaya.
6. The Executive Engineer, Local Area Engineering Organization (LAEO) Works Division 01, Gaya.
7. The Certificate Officer,Gaya.
8. The Block Development Officer, Fatehpur Gaya.
9. The Circle Officer, Fatehpur, Gaya.
10. The Programme Officer, Fatehpur,Gaya.
11. The Panchayat Secretary,Fatehpur Panchayat, Fatehpur,District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Adv.
For the Respondent/s : Mr.Vikash Kumar, SC 11.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-05-2019 Heard learned counsel for the petitioner and learned
counsel representing the State.

It appears from the writ application that the petitioner in the present case is seeking quashing of the notice dated 31.10.2018 issued by the Certificate Officer (Respondent No.7), Gaya, by which the petitioner and two other persons have been noticed in the certificate proceeding which has been brought for recovery of Rs.3,80,100/- allegedly defalcated by the petitioner and others under the 'MANREGA' scheme.

From the writ application it appears that the certificate proceeding has been initiated for the recovery of the amount of Rs.3,80,100/- which has been divided in three parts, one part thereof amounting to Rs.1,26,700/- is said to be recoverable from



the petitioner. There is no statement in the writ application that the petitioner has appeared before the Certificate Officer and filed her reply/show cause.

Learned counsel for the State submits that, at this stage, the petitioner has an opportunity to file her show cause before the certificate officer in terms of the Public Demand Recovery Act. It is submitted that the writ application brought at this stage is not fit to be entertained.

In the given facts and circumstances of the case, where currently the certificate proceeding has been initiated for recovery of the defalcated amount and the petitioner has an opportunity to take an objection against that before the Certificate Officer by filing her show cause/reply, there is no reason why this Court should entertain the present writ application under Article 226 of the Constitution of India. This Court is, thus, not willing to entertain this writ application at this stage finding that the petitioner has an appropriate remedy under the Public Demand Recovery Act, 1914.

The writ application is dismissed.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

U			
---	--	--	--

