

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5942 of 2015

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Sundarpati Devi, W/o late Yadav Lal Sah, R/o Village- Sarha(Sataha Banwatola), P.O. Nawadih, P.S. Paharpur, Distt. East Champaran.

... .. Petitioner

Versus

1. The State Of Bihar through Principal Secretary, Department of Industries, Government of Bihar, Patna.
2. The Principal Secretary, Department of Industries, Government of Bihar, Patna.
3. The Director, Directorate of Handloom and Sericulture, Govt. of Bihar, Patna.
4. The Senior Joint Director, Food Processing Directorate, Bihar, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Jyoti Ranjan Jha
For the Respondent/s : Mr.Ga12-Ajay

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 07-05-2019 Heard learned Counsel for the petitioner and the

learned Counsel for the respondent State.,

The short submission advanced by the petitioner's Counsel is that recoveries are sought to be made from the petitioner on account of excess payment made under some benefits granted under ACP. The same as per pleadings on record is not preceded by any show cause or opportunity to the petitioner's husband, who has since passed away on 1.1.2019.

The order dated 5.11.2014 without complying with the principles of natural justice having civil consequences are therefore unsustainable in law and the office order dated



5.11.2014 stands quashed.

The writ petition is allowed.

The substituted petitioner, wife of the original petitioner, is entitled to refund of the amount recovered under the impugned order, the same should be done expeditiously and without any undue delay preferably within a period of eight weeks from the date of receipt/production of a copy of this order, to the extent recovery has been made pursuant to the said order.

(Madhuresh Prasad, J)

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