

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.3231 of 2020**

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Dr. Ajit Kumar Tiwary, Son of Sri Krishna Kumar Tiwary Resident of Mithapur, P.S.- Jakkanpur, District Patna. At present posted as Medical Officer, Sahdei Bujurg, Primary Health Centre, P.S.- Desari (Sahdei O.P.) District Vaishali at Hajipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary Health Department, Govt. of Bihar, Patna.
3. The Director-in- Chief Health Services, Health Department, Govt. of Bihar, Patna.
4. The District Magistrate Vaishali at Hajipur.
5. The Civil Surgeon-cum- Chief Medical Officer Vaishali at Hajipur.
6. The In-charge Medical Officer Primary Health Centre, Sahdei Bujurg, District Vaishali.
7. The Certificate Officer Vaishali Collectorate, Vaishali at Hajipur.
8. Sri Awadhesh Singh, Son of Sri Ram Autar Singh Resident of Village and P.O. Narharpur, P.S.- Jandaha, District- Vaishali.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Arun Kumar

For the Respondent/s : Mr.Binod Kr. Yadav (Sc18)

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**

**ORAL ORDER**

2      27-02-2020                      Heard the learned counsel for the parties.

The petitioner is aggrieved by the initiation of a proceeding against him under the Bihar and Orissa Public



Demands Recovery Act, 1914. He is further aggrieved by the fact that without disposing off his objection petition under Section 9 of the Act, distress/body warrant has been issued against him.

One of the grounds for challenging the very initiation of the proceeding against the petitioner under the aforesaid Act is that the amount which is sought to be recovered from him cannot be recovered through Bihar and Orissa Public Demands Recovery Act, 1914, as such amount does not fall in any one of the categories of Section 3 or of Schedule 1 of the Act.

All such objections shall be dealt with by the Certificate Officer while disposing off the objection petition which has already been filed before him. The concerned Certificate Officer would be under an obligation to decide the objection petition within a period of 60 days from the date of production/receipt of a copy of this order.

Till such time the objection petition is decided,



no coercive steps shall be taken against him.

With the aforesaid observation / direction, this  
petition stands disposed off.

**(Ashutosh Kumar, J)**

skm/-

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