

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8385 of 2020

=====

Ram Phal Ram, gender male, Aged about 65 years, S/o Late Shivnath Ram,
Resident of Village- Rampur, P.O.- Rampur, P.S.- Nawanagar, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Panchayati Raj, Govt. of Bihar, Patna.
2. The District Magistrate , District- Buxar.
3. The District Panchayat Officer, Buxar.
4. The Block Development Officer, Buxar Sadar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sarva Deo Singh
For the Respondent/s : A.C. to Advocate General

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 08-10-2020 Heard Mr. Sarva Deo Singh, learned counsel for the petitioner and learned A.C. to Advocate General appearing for the State through video conferencing.

The present writ application has been filed for quashing the requisition dated 31.12.2019 (Annexure -1) and further for quashing of the certificate / order dated 16.03.2020 (Annexure – 2 to the writ petition) issued in Certificate Case No. 04 / 2019 - 20 by District Certificate Officer, Buxar, by which a sum of Rs. 11,46,950/- has been directed to be recovered from the petitioner.

Learned counsel for the petitioner submits that the petitioner was a Panchayat Secretary and he retired from that



post on 31.10.2015. Learned counsel further submits that on 26.03.2015 a departmental proceeding was initiated against the petitioner for alleged purchase of solar lights in the year 2006. Learned counsel further submits that departmental proceeding remained inconclusive, however, without ascertaining the liability of the petitioner, a requisition for recovery of a sum of Rs. 11,46,950/- was made by the Block Development Officer, Buxar Sadar before the Certificate Officer, Buxar and by the impugned order at Annexure – 2 the District Certificate Officer, Buxar has issued certificate calling upon the petitioner to file his objection within 30 days, failing which, the realization proceeding of the certificate amount shall be initiated. Learned counsel for the petitioner submits that the Block Development Officer, Buxar Sadar requisitioned before the District Certificate Officer, Buxar without ascertaining the liability of the petitioner with respect to the alleged misappropriation of the amount done by the petitioner and further the petitioner was also not given any opportunity by the Block Development Officer, Buxar Sadar to place his case in that regard.

Having heard learned counsel for the parties and taking into consideration the materials available on record, the petitioner is directed to appear before the District Certificate



Officer, Buxar and file his objection under Section 9 of the Bihar and Orrisa Public Demand Recovery Act, 1914 within a period of four weeks from today.

If the objection on behalf of the petitioner is filed within the aforesaid period, the District Certificate Officer, Buxar shall consider and decide the objection filed by the petitioner in accordance with law after giving opportunity to the petitioner of being heard.

It is made clear that till objection of the petitioner is disposed, no coercive steps shall be taken against the petitioner pursuant to the order dated 16.03.2020 at Annexure – 2.

This writ application is accordingly disposed of with the aforesaid direction.

(Anil Kumar Sinha, J)

praful/-

U			
---	--	--	--

