

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23084 of 2019

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Kumar Sadashiv, Son of Bindeshwari Prasad Sharma, resident of Village and Post - Bhikhanpur, P.S.- Amarpur, District- Banka, Bihar- 813101. Presently working as Agriculture Co-ordinator Bihpur, Bhagalpur under District Agriculture Office, Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Food and Civil Supply, Government of Bihar, Patna.
3. The Bihar State Food and Civil Supply Corporation through its Managing Director, Sone Bhavan, Veer Chand Patel Path, Patna.
4. The District Manager, Bihar State Food Corporation, Banka.
5. The Senior Deputy Collector, Banka.
6. The Certificate Officer cum Senior Deputy Collector, Banka.
7. The Circle Officer, Amarpur Circle, District-Banka.
8. The In-charge Purchasing Centre, Amarpur Block, District-Banka.
9. The Block Co-operative Officer, Amarpur, Banka.
10. The Block Supply Officer, Amarpur, Banka.
11. The Labour Enforcement Officer, Amarpur, Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Braj Nandan Kumar Tiwary, Advocate
For the Respondent/s	:	Mr. Upendra Pratap Singh, AC to SC-4
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 06-02-2020

Heard Mr. Braj Nandan Kumar Tiwary, learned advocate for the petitioner and Mr. Shailendra Kumar Singh for the B.S.F.C. Mr. Upendra Pratap Singh, learned advocate has also rendered his assistance on behalf of the State.



The petitioner, who is an agricultural co-ordinator has been subjected to a certificate proceeding for recovery of an amount of Rs. 22,81,300/-.

The petitioner has challenged the aforesaid initiation of proceeding against him on various grounds including that the recovery has been ordered without there being any adjudication of the claim of the corporation against the petitioner in the light of the judgments of this Court in ***Budha Singh vs. State of Bihar*** reported in ***AIR 1981 (Pat)149*** and ***Devesh Kumar Pradhan vs. State of Bihar and others*** (C.W.J.C. No. 19035 of 2018). The petitioner has also challenged the order dated 31.12.2018/30.07.2019 whereby the objection petition of the petitioner has been summarily dismissed without assigning any reason.

Perused the order dated 30.07.2019. It does not specify any reason for rejecting the objection petition. The order being absolutely non-speaking cannot be sustained in the eyes of law. This Court therefore is left with no alternative but to set it aside.

However, the certificate officer is directed to pass a fresh order on a fresh objection petition filed by the petitioner within a period of two weeks from today. While disposing of such representation/objection petition under Section 9 of the Act, the certificate officer shall also



address himself to the issue of non-quantification of the amount for initiating any proceeding under the ***Bihar and Orissa Public Demand Recovery Act, 1914***. The order shall be passed within a period of sixty days of the receipt of such fresh objection petition by the petitioner.

With the aforesaid direction/observation, the writ petition is disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.02.2020
Transmission Date	

