

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2222 of 2019

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Priyanka Kumari W/o Mirtunjay Kumar @ Mritunjay Kumar Resident of
Village-Itmadi,P.S.-Beldour,Dist.-Khagaria

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Education
Department, Khagaria
2. The Collector, Khagaria
3. The District Certificate Officer, Khagaria
4. The Block Education Officer, Beldour, Khagaria
5. The Secretary, Vidyalaya Shiksha Samiti Barun, Etmadi, Beldour, Khagaria
6. The Headmaster, Primary School Barun Etmadi Beldour Khagaria

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate
For the Respondent/s : Mr. AC to AAG 15

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 17-10-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

1. That this Writ application is being filed on behalf of the petitioner for issuance of Writ/Writs, direction/directions, order/orders commanding upon the respondents for the following relief/reliefs:-

(i) For that the Notice dated 13/6/17 (Annexure 5) under Section 7 of Bihar & Orissa Act No. 4, 1914 as well as Notice dated 30/8/2018 (Annexure 5/1) under Rule 53 of Bihar and Orissa Act 1914 issued by District Certificate Officer Khagaria for recovery of Rs. 753531/- may be quashed in connection with Certificate Case No. 13/2017-18.

(ii) For that action taken against the petitioner by learned District Certificate Officer Khagaria through notices dated

13/6/17 and 30/8/18 (Annexure 5 and 5/1) respectively in connection with Certificate Case No. 13/2017-18 may be stayed during pendency of the above said case pending before learned District Certificate Officer Khagaria.

(iii) For that any other relief/reliefs may also be given to the petitioner if he deserves the same.

It is not in dispute that petition under Section 9 of the Bihar & Orissa Public Demands Recovery Act, 1914 (hereinafter referred to as “the Act”) is pending consideration/petitioner intends to file before the appropriate authority.

Learned counsel for the parties jointly pray that the instant petition be disposed of with direction to the appropriate authority to consider and decide the same expeditiously.

Learned counsel for the State states that the appropriate authority shall consider and decide the petition filed/ to be filed by the petitioner under Section 9 of the Act positively within a period of two months from the date of appearance of the petitioner before him along with a copy of this order and the issue of limitation shall not come in the way of decision on merits.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall appear in the office of the appropriate authority on **02.11.2022** along with a copy of this order, on which date documents in support of the petition shall be filed, or else file a fresh petition under Section 9 of the Act.

(b) The appropriate authority shall consider and dispose of the petitioner's petition expeditiously, by a reasoned and speaking order, preferably within a period of two months from the date of appearance of the petitioner before him and till then no coercive steps be taken against the petitioner;

(c) The authority shall also examine as to whether the amount in question falls within the definition of public demand or not;

(d) Needless to add, while considering such petition, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(e) Order assigning reasons shall be supplied to the parties;

(f) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(g) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law,

before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(h) Liberty reserved to the petitioner to challenge the order passed by the appropriate authority, before the appropriate forum, if so required and desired.

(i) We have not expressed any opinion on merits. All issues are left open;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/- Ishika

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	