

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1818 of 2022

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Gopal Kumar Mandal S/o Late Banarsi Mandal Resident of Baniya Tola,
Hafiaganj, P.S. - Mufassil, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Vikash Bhawan, New Secretariat, Patna.
2. The Director, Mid Day Meal, Bihar Textbook Compound, Budh Marg, Patna.
3. The District Magistrate, Katihar.
4. The District Programme Officer, Mid Day Meal, Katihar.
5. The Certificate Officer, Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Ananad, Advocate Mr.Dhananjaya Nath Tiwari, Advocate
For the Respondent/s	:	Mr.Jitendra Kumar Roy 1, Advocate Mr. Girijish Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-03-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

That the present writ petition is being filed on behalf of the petitioner for quashing the notice dated 28.7.2021 issued under section 7 of the Bihar and Orissa Public Demand Recovery Act (for short 'Act') under case No.01/2021-22 (District Programme officer, Mid Day Meal Vs Gopal Kumar Mandal) whereby and whereunder the petitioner has been demanded Rs.28,81,168/- which is recoverable as a Public Demand as he embezzled 799.90 quintals wheat belonging to Bihar State Food Corporation while he was working as Contractor of Barsoi Block, Katihar.

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 **05.04. 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)

Sanjay/-Ranjan

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.03.2022
Transmission Date	NA