

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2724 of 2022

Naushad Alam son of Late Mohammad Ali, Resident of Village and P.O. and P.S.-Brahmpur, District-Buxar (Bihar) at present resident of Mohalla-House/Bldg./Apt. Q. No. 2, Street/Road/Lane-Circuit House Campus, Town/City-Gaya, P.O. and P.S.-Gaya, District-Gaya, posted as Deputy Chief Electoral Officer, Magadh Division, Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Election Department, 7, Sardar Patel Marg, Mangles Road, Government of Bihar, Patna.
2. The Chief Electoral Officer, Election Department, Govt. of Bihar, Patna.
3. The District Election Officer cum-District Magistrate, Gaya, District-Gaya.
4. The Incharge Officer, District Certificate Officer, Gaya.
5. Deputy Election Officer, Gaya, District-Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Advocate Mrs. Ritika Rani, Advocate Mr. Ritu Raj, Advocate Mr. Vardaan Mangalam, Advocate
For the Respondent/s	:	Mr. Sanjay Kumar Ghosarvey, AC to AAG-3
For Election Department :		Mr. Siddhartha Prasad, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HARISH KUMAR)

2 30-03-2022 Heard learned counsel for the petitioner Shri Dinu Kumar as also the counsel appearing on behalf of the State as well as respondent No.2, namely Chief Electoral Officer, Bihar.

Petitioner has prayed for the following relief(s):

“(A) For quashing the notice issued under the signature of certificate Officer, District Certificate Officer, Gaya in Certificate Case No.



2/2021-22 issued under section 7 of the Bihar and Orissa Public Demand Recovery Act, 1914 as contained in Annexure-6 with respect to demand of Rs.11,85,308/-.

(B) To hold and declare initiation of certificate case no. 2/2021-22 against petitioner with respect to demand Rs. 11,85,308/- is unwarranted, illegal and bad in law.

(C) Also for necessary relief/reliefs, order/orders, direction/directions for which the petitioner is entitled in the eye of law.”

It is submitted on behalf of the learned counsel for the petitioner that against the notice issued by the Certificate Officer, Gaya in Certificate Case No.2/2021-22, issued under Section 7 of the Bihar and Orissa Public Demand Recovery Act, 1914, the petitioner has already filed objection under Section-9 which is still pending consideration before the Certificate Officer, Gaya.

Having considered the nature of the grievance, the Certificate Officer, Gaya is directed to consider the objection of the petitioner and dispose of the same within four weeks from the date of receipt/production of a copy of this order.

It is needless to say that parties will cooperate in the disposal of the objection and both the parties will appear on 4th of April, 2022 before the Certificate Officer, Gaya who will



pass the order within the stipulated period.

Petition is disposed of accordingly.

Interlocutory application(s), if any, shall also stand
disposed of.

(Sanjay Karol, CJ)

(Harish Kumar, J)

K.C.Jha/DKS

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