

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12288 of 2014

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Bijendra Yadav Son of Late Bal Deo Prasad Yadav Resident of Village-
Panchwara, P.S. and District Banka.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Rural Development Department, Government of Bihar, New Secretariat, Patna.
2. The District Magistrate, Banaka.
3. The District Development Commissioner, Banka, Bihar.
4. The District Provident Fund Officer, Banka, Bihar.
5. The Treasury Officer District Banka, Bihar.
6. The Block Development Officer Katoria, District- Banka.
7. The Block Development Officer, Rajaoun District Banka.
8. The Accountant General Bihar Bir Chand Patel Marg, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. D.K. Sinha, Sr. Adv. Mr. Rajib Ranjan Jha, Adv. Mr. G.C. Jha, Adv. Mr. Ashish, Adv. Mr. Alexandar Ashok, Adv. Mr. Sanjeev Kumar Mishra
For the Respondent/s	:	Mr. Kumar Pankaj, A.C. to S.C. 5
For the Accountant General:		Dr. Anand Kumar, Adv. Mr. Rajan Prakash, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT
Date : 07-11-2022

Though, the present writ petition was dismissed by an order dated 21.03.2017, passed by a Co-ordinate Bench of this Court holding the same to be barred by the principles of res judicata, however, the petitioner had preferred an appeal before the learned Division Bench of this Court but the same had also stood dismissed. Thereafter the petitioner had filed a special



leave petition bearing S.L.P.(C) No. 4057-4058 of 2020, which was converted into Civil Appeal No. 1436-1437 of 2020 and the same has been allowed by the Hon'ble Apex Court by an order dated 10.02.2020, whereby and where under, it has been held that the impugned order dated 12.06.2014, passed by the Block Development Officer, Rajaun, District-Banka stands on a different footing than the notice initiating the enquiry against the petitioner herein and merely because the petitioner, on the earlier occasion, had unsuccessfully challenged the initiation of enquiry, it does not mean that he has been rendered remediless as far as challenge to the order dated 12.06.2014 is concerned. Accordingly, the Hon'ble Apex Court has set aside the order dated 19.12.2017 passed in L.P.A. No. 702 of 2017 and restored the present writ petition i.e. C.W.J.C. No. 12288 of 2014 to the file of the learned Single Judge of this Court.

This is how the present writ petition has been listed before this Court.

At the outset, the learned senior counsel appearing for the petitioner, Shri D.K. Sinha, has sought liberty on behalf of the petitioner to assail the impugned order dated 12.06.2014 passed by the Block Development Officer, Rajaun, before the District Magistrate, Banka. It is also submitted that the



petitioner be also permitted to raise his other subsisting grievances before the District Magistrate, Banka. The learned senior counsel for the petitioner also seeks direction upon the District Magistrate, Banka to dispose off the appeal/representation to be filed by the petitioner within a stipulated time frame.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned senior counsel for the petitioner, which have not been objected to by the learned counsel for the respondent State, I deem it fit and proper to dispose off the present writ petition with liberty to the petitioner to challenge the impugned order dated 12.06.2014 passed by the Block Development Officer, Rajaun, by filing appropriate petition/appeal/representation before the District Magistrate Banka, wherein, the petitioner shall be at liberty to raise his other subsisting grievances.

It is needless to state that in case such an appeal/representation/petition is filed by the petitioner within a period of 4 weeks from today, the same shall be adjudicated upon by the learned District Magistrate, Banka, within a period of 8 weeks, thereafter, by passing a reasoned and a speaking order, in accordance with law.



It is further directed that in case appropriate appeal/representation/petition is filed by the petitioner within a period of 4 weeks from today, no coercive action shall be taken for recovery of the amount recoverable from the petitioner, till passing of the final order by the learned District Magistrate, Banka, thereon.

The present writ petition stands disposed off as not pressed, however, with the aforesaid observations and directions.

(Mohit Kumar Shah, J)

Tiwary/Saurav

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	16.11.2022
Transmission Date	N/A

