

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6811 of 2020

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Paltan Paswan, Son of Late Debu Paswam, Resident of Village- Mohanpur,
P.S.- Babubarhi, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayat Raj Department, Govt. of Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The District Certificate Officer, Madhubani.
4. The District Programme Officer, Madhubani.
5. The District Education Officer, Madhubani.
6. The Block Development Officer, Laukahi.
7. The Block Education Officer, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Rajesh Kumar, Advocate
For the Respondent/s	:	Mr. Kumar Alok, SC-7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

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Date : 13-01-2022

We have heard Mr. Ramakant Sharma, learned senior counsel at length.

Petitioner has prayed for the following relief(s):-



1. That this is an application for issuance of appropriate writ/ writs, order/ orders, direction/ directions for quashing the Certificate Case No. 6 of 2019-20 initiated against the petitioner for recovery of Rs. 10,14,504/- on account of making irregular appointment of one Punita Kumari on the post of Panchayat Teacher and Certificate amount is said to be salary paid to said Punita Kumari.

Petitioner further seeks Hon'ble Court's indulgence commanding the respondent authorities not to take any coercive action against the petitioner in pursuance of Certificate Case No. 06 of 2019-20 as petitioner in compliance of direction of Superior Officials, which was issued in pursuance of direction of Hon'ble High Court and subsequently after retirement of petitioner, certificate proceeding has been initiated.

2.12

Petitioner further seeks any other relief/ reliefs for which he is found entitled in the eye of law and in the facts and circumstances of the present case.



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 **7th of February, 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)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	17.01.2022
Transmission Date	

