

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.650 of 2022

In
Civil Writ Jurisdiction Case No.19969 of 2019

-
-
1. Bijendra Kumar Son of Ram Chandra Rai, resident of Village- Patania, Tola-Bunyadi Tola Ward No.- 9, Block - Riga, District- Sitamarhi.
 2. Ram Ekwil Prasad Son of Yogendra Sah, resident Ward No. - 1, Matiyar Khurd, M.Kala Bihar, P.S. - Sariyara, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Mr. Sunil Kumar Yadav, the District Magistrate, Sitamarhi.
3. Mr. Vinay Kumar, the District Development Officer, Sitamarhi.
4. Mrs. Epi Chaudhary, the District Certificate Officer, Sitamarhi.
5. Mr. Ashutosh Anand, the Block Development Officer, Riga, District-Sitamarhi.
6. Mr Har Kishore Rai, the Superintendent of Police, Sitamarhi.
7. Mr. Sanjay Kumar, Officer Incharge, Riga Police Station, Sitamarhi.
8. Mr. Rakesh Ranjan, Officer Incharge, Sahiyara Police Station, Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Kumar
For the Opposite Party/s : Mr.S. Raza Ahmad (Aag 5)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 03-08-2022 The contemnors have filed a detailed supplementary show cause reply today in order to purge the impending contempt. This Court by an order dated 14.02.2020 passed in CWJC No. 19969 of 2019 had disposed of the said writ petition with a direction to the Certificate Officer, Sitamarhi to pass the final order under Section 10 of the Bihar & Orissa Public Demand Recovery Act, 1914 and till then it was directed that no coercive steps shall be taken against the petitioners.



It appears that during the interregnum period, the said Certificate Officer, Sitamarhi by an order dated 03.03.2022 issued bailable warrant of arrest against the petitioners without passing any order u/s 10 of the Act, 1914, which, according to the petitioners, amounts to disobedience of the order of this Court and calls for appropriate action against the said Certificate Officer.

The learned counsel for the contemnors has submitted that the final order under Section 10 of the Act, 1914 was passed on 25.01.2021 and since the certificate amount was not deposited, bailable warrant was issued vide order dated 03.03.2022. Nonetheless, it is submitted that after filing of the present contempt petition, the matter was reviewed and considering the entirety of the matter as also taking into account the order dated 16.06.2020, passed by a co-ordinate Bench of this Court in CWJC No. 8584 of 2022, the bailable warrant of arrest has been recalled by an order dated 22.06.2022.

A bare perusal of the order dated 25.01.2021 would show that the same cannot by any stretch of imagination be said to be an order passed under Section 10 of the Bihar & Orissa Public Demand Recovery Act, 1914, which in fact the learned counsel for the contemnor has not been able to defend.



In such view of the matter, it is directed that appropriate departmental proceeding be drawn against the Certificate Officer who has passed the aforesaid order dated 25.01.2021 and claims the same to be an order passed under Section 10 of the Bihar & Orissa Public Demand Recovery Act, 1914, for the reason that firstly such an officer is not fit to hold such a responsible position, who does not have the basic understanding of law and on the contrary is a detriment to the smooth and able functioning of the Government Department and secondly a co-ordinate Bench of this Court, in a writ petition bearing CWJC No. 8584 of 2022, filed by the petitioners herein challenging the aforesaid orders dated 25.01.2021 and 3.3.2022, has passed an order dated 16.06.2022, wherein in last paragraph, the Certificate Officer has been granted liberty to determine the liability u/s 10 of the Act, 1914, meaning thereby that the Hon'ble Court has deemed the aforesaid order dated 25.1.2021, not to be an order passed u/s 10 of the Act, 1914, thus the misconduct and illegality committed by the then Certificate Officer is writ large from the records.

In view of the aforesaid facts and circumstances of the case, since the order by which bailable warrant has been issued against the petitioners, has been recalled and the petitioners are



agitating their grievances in a writ petition bearing CWJC No. 8584 of 2022, this Court deems it fit and proper to give a quiteous to the present case.

Accordingly, the present petition stands disposed of, however, with a direction to the Additional Chief Secretary, General Administrative Department to initiate appropriate departmental proceeding against the Certificate Officer who has passed the aforesaid order dated 25.01.2021 and submit a report on or before 16th August, 2022 before the Registrar General of this Court, failing which he shall not draw his salary. It is further directed that the said departmental proceeding, to be initiated against the delinquent, shall be completed within a period of six months, with due information to the Registrar General of this Court.

The contempt petition stands disposed of.

(Mohit Kumar Shah, J)

Tiwary/-

U			
---	--	--	--

