

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6544 of 2022

1. Ajay Rajak, S/o Raj Kumar Baitha, R/o Village- Belahi Lachhi, P.O.- Sivai Patti, P.S.- Meenapur, District- Muzaffarpur working as Prakhand Teacher Elevated Middle School Dronpur, Block- Mushahari, District- Muzaffarpur.
2. Rubi Kumari, D/o Sri Deep Narayan Sahani, R/o Village- Kakrachak, P.O. and P.S.- Bochaha, District- Muzaffarpur working as Prakhand Teacher Elevated Middle School Dronpur, Block- Mushahari, District- Muzaffarpur.
3. Kavita Kumari, D/o Sri Tunki Sah, R/o Village- Panapur P.O. Nariar P.S. Meenapur, District- Muzaffarpur working as Prakhand Teacher Elevated Middle School Jalabad Tole Nawada, Block- Mishahari, District- Muzaffarpur.
4. Ragni Kumari, D/o Lal Babu Sah, R/o Mohalla- Brahmpura P.S.- Brahmpura, District- Muzaffarpur working as Prakhand Teacher Elevated Middle School Badaha, Jamalabad Block- Mushahari, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, Education Department, Bihar, Patna.
2. The Collector, Muzaffarpur.
3. The District Education Officer, Muzaffarpur.
4. The District Programme Officer, Establishment, Muzaffarpur.
5. The Block Development Officer cum Member Secretary, Block Niyोजन Unit, Mushahari, Muzaffarpur.
6. Th Block Education Officer, Muzaffarpur.
7. The Certificate Officer, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Manoj, Advocate
For the Respondent/s : Mr.Kkameshwar Kumar (GP17)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 20-06-2022

Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s):-

“That this application is being filed for



issuance of appropriate writ/writs for quashing of Certificate case No.-4026 of 2020-21, 4030 of 2020-21, 4032 of 2020-21 and 4023 of 2020-21 lodged by Respondent No.3, and Notices dt. 16.08.2021 (Annexure-) issued by Respondent No. 7 against the petitioners respectively whereby Rs.1,84,166/- against petitioner no.1, 2 and 4 and Rs.1,84,456/- against the Petitioner no.-3, has sought to be recovered from the Petitioners wrongly, illegally and without any justification as the aforesaid amount earned and taken as salary/emoluments while serving and working as Prakhanda Teachers under Respondent no.5 and 6 in the interest of justice.”

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 petitioners 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) Petitioners will appear in the office of the appropriate authority on **05.07.2022** 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 petitioners' petition expeditiously, by a reasoned and speaking order, preferably within a period of two months from the date of appearance of the petitioners before him and till then no coercive steps be taken against the petitioners;

(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 petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law;

(g) We are hopeful that as and when petitioners take 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 petitioners 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)

Ashwini/Sujit

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.06.2022
Transmission Date	NA

