

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6990 of 2022

1. Aisha Humaira W/o Md. Asrar R/o Village- Asnagar, P.O.- Bakatpur, P.S.- Kanti, District - Muzaffarpur.
2. Shahjadi Bano, W/o Azhar Husain D/o Md. Motiur Rahman, R/o Mohalla - Imamganj Pir Momin Shah Lane, P.S.- Town, District- Muzaffarpur.
3. Chandrakala Kumari D/o Govind Sahni, R/o Village, P.O. and P.S.- Paroo, 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, Eastablishment, Muzaffarpur.
5. The Block Development Officer cum Member Secretary, Block Niyojan Unit, Mushahari, Muzaffarpur.
6. The Block Education Officer, Mushahari Muzaffarpur.
7. The Certificate Officer, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar Manoj, Advocate
For the Respondent/s	:	Mr.Jitendra Kr. Roy 1 (SC-13)

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

Date : 21-06-2022

Heard learned counsel for the parties.

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

1. That this application is being filed for issuance of appropriate writ/writs for quashing of Certificate case no.- 4028 of 2020-21, 4020 of 2020-21, 4029 of 2020-21 lodged by Respondent no.-3, and Notices dt.-16.08.2021 issued by Respondent no.-7 against the Petitioners respectively whereby Rs.-1,84,166 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 .

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 **11th of July, 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.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	