

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7630 of 2019

=====

Dilip Kumar Son of Sri Ramji Paswan R/o Village-Bajitpur, P.S.-Muffasil,
District-Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Bihar, Patna
2. The Joint Secretary Rural Development Department, Bihar, Patna
3. The Deputy Secretary Rural Development Department, Bihar, Patna
4. The Joint Secretary of the Hon'ble Lokayukt Bihar, Patna
5. The Deputy Secretary Office of the Lokayukt, 4, Kaultilya Marg, Patna-1
6. The District Magistrate-cum-District Programe Coordinator Mangrega, Khagaria
7. The Deputy Development Commissioner Khagaria
8. The District Rural Development Tribunal Khagaria
9. The District Certificate Officer Khagaria
10. The Engineer-in-Chief Technical Department, Technical Examiner Cell, Block-C, Officers Hostel, Bailey Road, Patna
11. The Executive Engineer NAREGA/MANREGA Block and P.S. Gogri, District-Khagaria
12. The Assistant Engineer NAREGA/MANREGA Block and P.S. Gogri, District-Khagaria
13. The Junior Engineer NAREGA/MANREGA Block and P.S. Gogri, District-Khagaria
14. The Program Officer Manrega, Block-Gogri, District-Khagaria
15. The Block Development Officer Gogri, District-Khagaria
16. Mukhiya Gram Panchayat Raj, Gogri, Block and P.S.-Gogri, District-Khagaria
17. Sri Amrendra Kumar Panchayat Rojgar Sewak, Gram Panchayat Raj, Gogri, P.S.-Gogri, District-Khagaria
18. Sri Kaushal Kishore Tiwary Gram Sewak, Gram Panchayat Raj, P.S. and Block-Gogri, District-Khagaria

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Indu Bhushan, Advocate
For the Respondent/s : Mr.Anjani Kumar (AAG4)

=====



**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

(Per: HONOURABLE THE CHIEF JUSTICE)

2 11-10-2022 Petitioner has prayed for the following relief(s):

“For issuance of an appropriate writ in the nature of certiorari for quashing the order dated 11.02.2019 passed in Certificate Case No. 03/2017-18 (Programme Officer, Gogri Versus the then Programme Officer, Gogri, Sri Dilip Kumar) (contained in Annexure-16) issued by the respondent no. 9 whereby and where under without following the direction of this Hon’ble Court passed in C.W.J.C. No. 16907 of 2018 dated 04.12.2018 and without establishing the adjudication of Rs.3,47,421.40 in accordance with law and without considering the objection petition filed under sections 9 & 10 of the Bihar & Orissa Public Demand Recovery Act, 1914, which was filed as per the direction of this Hon’ble Court passed in C.W.J.C. No. 16907 of 2018 dated 4.12.2018, the respondent no. 6 passed the impugned order with a direction to deposit Rs.3,47,421.40 by 26.02.2019, otherwise action would be taken against the petitioner and the petitioner has been directed to make available the details descriptions of the moveable and immovable properties. The Certificate Case bearing No. 03/2017-18 against the petitioner has been initiated in the light of letter No. 1/(Lok Panchayat) 21/2012/1161/Lok



dated 3.5.2016 issued by the Deputy Secretary, Office of Hon'ble Lokyukt, Bihar, Patna to the District Magistrate Khagaria under which direction was given in the light of ex-parte enquiry report of the Executive Engineer, Department of Vigilance, Technical Examiner Cell, Bailey Road, Patna dated 23.12.2014 (contained in Annexure-8) The Joint Secretary of Lokayut, Bihar Patna passed the order dated 3.5.2016 without giving an opportunity to the petitioner. In this way the initiation of Certificate Case bearing Case No.03/2017-18 is apparently violation of principle of Natural justice and it is unjustified and improper because by way of enquiry report dated 4.4.2016 (contained in Annexure-7) no adjudication over the head of the petitioner has been established. In this way the entire proceeding of the certificate case bearing Case No. 03/2016-17 is unjustified and improper.”

After some argument, learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to take recourse under the Provisions of the Bihar & Orissa Public Demands Recovery Act, 1914.

Permission granted.

As such the present petition stands disposed of as withdrawn with aforementioned liberty to the petitioner.

While considering such request, the period for which



the petitioner has been pursuing the present petition shall be excluded for the purpose of computation of limitation.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

K.C.Jha/DKS

U			
---	--	--	--

