

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7690 of 2022

Vivekanand Son of Prabhunath Sah Resident of Village Rikhar, Police Station- Lalganj, District- Vaishali at Hazipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Department of Education, Government of Bihar, Patna.
4. The Bihar Education Project Council, Shiksha Bhawan, Rastrabhasha Parishad, Saidpur, Rajendranagar, Patna, through its Director.
5. The Director, State Project, The Bihar Education Project Council, Shiksha Bhawan, Rastrabhasha Parishad, Saidpur, Rajendranagar, Patna.
6. The District Magistrate, Muzaffarpur.
7. District Programme Officer, Primary Education and Sarva Siksha Abhiyan Bihar Education Project Council, Muzaffarpur.
8. The Certificate Officer, Muzaffarpur.
9. Dipendra Kumar Sah, the then Junior Engineer, Block Mushahari, District Muzaffarpur, presently posted as Madhepura Collectorate, Madhepura, Through Collectorate Madhepura, District Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Krishna Kumar Yadav, Advocate
For the Respondent/s : Mr.Kameshwar Kumar (GP 17)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 27-07-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

1. That this Writ Petition is being filed for the issuance of writ/ Writs, direction/directions, Order/ Orders, Command/Commands and filed for the issuance of writ in the nature of certiorari for quashing the Certificate case no. 1775/2017-18 (District Program Officer Primary Education, Sarv

Siksha Abhiyan Versus Vivekanand) and further for issuance of a writ to quash the entire Certificate proceeding no. 1775/2017-18 pending before the Certificate passed by The Certificate Officer, further prays recommend for initiation of recovery proceeding against the Respondent Dipendra Kumar Sah the then Junior Engineer of Mushahari Block for recovery of amount used in construction of 8 Rooms being in Charge of the Work at Block Mushahari, Higher Middle School, Raghunathpur and Petitioner further prays for grant of any other relief/reliefs for which the petitioner found entitled in the facts and circumstances of this case be also given.

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 12.08.2022 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)

Sanjay/- Ranjan

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.07.2022
Transmission Date	NA