

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13010 of 2021

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Ravindra Kumar S/o Ram Pyare Ram R/o Village Poiwan, P.S. Mufassil,
District-Aurangabad, Presently Posted as teacher, Middle School, Ekouna,
P.S. Mufassil, District-Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. District Magistrate, Aurangabad.
4. Block Development Officer, Block-Aurangabad, District-Aurangabad.
5. Block Education Officer, Block-Aurangabad, District-Aurangabad.
6. District Education Officer, Aurangabad.
7. District Programme Officer, Aurangabad.
8. Junior Engineer, Sarwa Siksha Abhiyan, Aurangabad.
9. Kalendra Kumar Kant, S/o Jagdish Yadav, R/o Village Ebanpur, P.S. Aurangabad, District -Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate
For the Respondent/s : Mr. Jitendra Kumar Rai No. 01, SC-13

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

2 12-01-2022 Petitioner has prayed for the following relief(s):

“That by this application, the petitioner is invoking the writ jurisdiction of this Hon'ble Court in the nature of writ of certiorari for quashing the order dated 7.1.2020, passed by the District Certificate Officer, Aurangabad & the entire proceeding of Case No.586/2019-2020 as well as the notice dated 7.1.2020,



issued under the signature of the District Certificate Officer, Aurangabad, under Section 7 of the Public Demand Recovery Act against the petitioner, initiating a certificate proceeding for recovery of Rs 3,72,415 from the petitioner. And also for necessary relief /reliefs, order/orders, direction/directions for which the petitioner will be entitled in the law as well as in the facts of the case.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that the petitioner shall be content if the petition is disposed of with liberty to take recourse to such other alternate remedies which are equally efficacious in law, including the provisions of the Public Demand Recovery Act, 1914.

Prayer allowed.

Without expressing any opinion on merits of the claim and leaving all issues on facts and law are left open, petition is disposed of in the following terms:

- (a) The petitioner shall make himself available before the concerned authority on 06.02.2022;
- (b) On the said date, the next date of hearing in the matter shall be fixed;
- (c) Petitioner shall fully cooperate and not take any unnecessary adjournment;
- (d) The officer shall adjudicate the issue and pass a



speaking order assigning reasons, within a period of six months thereafter;

Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

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.

The petition stands disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS/-

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