

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10446 of 2020

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Bhawesh Kumar Bhaskar S/o Sri Satya Deo Yadav Resident of Village-
Kaithwar, Tole-Tardih, Police Station - Sakatpur, District-Darbhangha.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Food and Supplies
Department, Government of Bihar, Patna.
2. The District Magistrate, Darbhanga.
3. The In-charge Deputy Collector, District Public Grievance Cell, Darbhanga.
4. The Deputy Development Commissioner, Darbhanga.
5. The Sub-Divisional Officer Darbhanga (Sadar)
6. The Block Development Officer, Tardih, Police, Station - Sakatpur, District-
Darbhanga
7. The Marketing/Supply Officer, Tardih, Police Station - Sakatpur, District-
Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Prasad, Advocate
For the Respondent/s : Mr. Arvind Ujjawal, SC 4

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 08-03-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

(A) A Certiorary for setting-aside the order dated 23.01.2018 (Annexure-18) passed in Case No. Darbhanga | 101|CWJC|17 by the Hon'ble Justice Uday Sinha Judicial Enquiry Commission whereby and whereunder the prayer of the petitioner is rejected and directed to deposit further sum of Rs.19,85,332/- as price of 1936.36 Quintals of rice and ordered that the Certificate Officer will now proceed to take action against the petitioner(Dealer) in accordance with law.

(B)A Certiorary for setting – aside the order dated 13.08.2012 (Annexure-13) contained in Memo No.3967 passed by the Deputy Development Commissioner , Darbhanga (Respondent No.4) whereby and whereunder petitioner has been directed to deposit a sum of Rs.19,85,332/- within one month for the price of

the rice of 1936.37 Quintals at the rate of Rs.1370/= per quintal after adjusting a sum of Rs.6,67,495/= out of the total amount of Rs.26,52,827/=.

(C)Any other relief or reliefs for which petitioner may be found entitled to in the fact and circumstances of the present case may be granted to him.”

A counter affidavit has been filed on behalf of the State of Bihar in which, it has been stated that Hon’ble Justice Uday Sinha Judicial Inquiry Commission decided liability of petitioner in Case No. Darbhanga/101/CWJC/17 (Bbawesh Kumar Bhaskar Vs. State of Bihar) by order dated 23.01.2018 and he was directed to deposit Rs.19,85,332/- as per the price of 1936.36 quintals of rice. The finding of the inquiry commission is being challenged by the petitioner by filing this petition on the ground that petitioner is liable to pay the price of 909 quintals of rice.

This Hon’ble Court had constituted the Hon’ble Justice Uday Sinha inquiry commission to adjudicate dispute between the PDS dealer and State authorities with respect to left over quantity of rice under Sampurna Gramin Rojgar Yojna (SGRY) scheme with PDS dealer.

It is contended that rice was given to PDS dealer but the scheme was discontinued and huge quantity of rice remained in possession of the PDS dealer and State Government directed to either return the rice or refund the

amount.

As there was dispute between the parties, this Court constituted an inquiry commission headed by retired Judge (Mr. Justice Uday Sinha) where both the parties including the petitioner appeared and the liability of the petitioner was determined as Rs.19,85,332/- in 2018 itself by said commission which is to be refunded by the petitioner and due to non-refund, certificate proceeding has been initiated for realization of said amount.

In such view of the matter, this Court does not find any merit in this case and is accordingly dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/- Ranjan

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.03.2022
Transmission Date	NA