

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11685 of 2019

Dayanand Singh S/o Late Kapildev Singh Vill. and P.o.- Mahua, P.s.- Mahua,
distt.- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna Old Secretariat, P.o. and P.s.- patna
2. The Principal Secretary Department of Revenue, Old Secretariat, P.o. and P.s.- Patna
3. North Bihar Regional Transport Authority Muzaffarpur, through Secretary
4. The Divisional Commissioner-cum-Chairman North Bihar Regional Transport Authority, Muzaffarpur
5. District Officer Vaishali at Hajipur
6. Dy. Collector/Officer Incharge Section Hajipur Collectriate, Hajipur
7. Certificate Officer Vaishali at Hazipur
8. Sajda Khatoon Certificate Officer, Vaishali at Hajipur by name

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey
For the Respondent/s : Mr.Sajid Salim Khan (Sc25)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 29-11-2022 The petitioner has prayed for the following relief/s :-

01. That this is an application to quash the order dt-
15.02.2019 - passed by the Certificate Officer Hazipur, the
respondent no: 7 to this writ application in certificate Case,
No. 03/2017 in between the Dy. Collector Incharge General
Section, Vaishali Hazipur V/s Dayanand Singh whcreby and



where under the learned Certificate Officer passed illegal and wrong order in view of law and fact as well as under the pressure of District Magistrate ,Hazipur under whose direction the Dy. Collector In charge had filed this certificate case and the trial has been made by the Dy. Collector In-charge Certificate court, so no justice can ever be thought of.

After the matter was heard for some time, learned counsel for the petitioner seeks permission to file appeal before the appropriate authority for assailing the impugned order dated 15.02.2019, passed by respondent No.7, namely, the Certificate Officer Hazipur.

Permission granted.

Learned counsel for the respondents states that if such an appeal is preferred within a period of four weeks from today, the issue of limitation, if any, shall neither be raised nor allowed to come in the way of adjudication of the appeal on merits.

Statement accepted and taken on record.

As such, petition stands disposed of in the following mutually agreeable terms:-



(a) Petitioner is permitted to prefer an appeal within a period of four weeks from today;

(b) In the event of appeal being preferred within a period of four weeks from today, the issue of limitation shall not come in the way of adjudication of the appeal on merits;

(c) Opportunity shall be granted to the parties to place on record all essential documents and materials, if so required and desired;

(d) Petitioner through learned counsel undertakes to fully cooperate and not take unnecessary adjournment;

(e) The Appellate Authority shall decide the appeal on merits, in compliance of the principles of natural justice;

(f) The Appellate Authority shall pass a reasoned and speaking order, within a period of six months from the date of filing of the appeal;

(g) Copy of the reasoned and speaking order passed by the Appellate Authority shall be supplied to the parties;

(h) Equally, liberty reserved to the parties to take recourse to such other remedies as are otherwise available



in accordance with law;

(i) 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;

(j) We have not expressed any opinion on merits and all issues are left open;

(k) Liberty reserved to the petitioner to challenge the order, before the appropriate forum, if required and desired;

(l) Dring pendency of the appeal, the impugned order dated order15.02.2019, passed by respondent No.7, namely, the Certificate Officer Hazipur is stayed.

The instant petition sands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Ashwini/Sujit

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