

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13794 of 2019

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Shailendra Kumar, aged about 47 years, Male, Son of Late Ramdeo Singh
Resident of Village- Sirsi Dihara, P.O.- Harnaut, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate Banka.
3. The District Welfare Officer Banka.
4. The District Certificate Officer Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Respondent/s : Smt. Kumari Amrita, GP 3

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

2 05-04-2022 Heard learned counsel for the parties.

The petitioner was posted as Nazir in the office of the District Welfare Officer, Banka. While he was posted as Nazir, the District Welfare Officer, Banka submitted an application to SHO, Banka and an FIR was lodged against the petitioner for alleged defalcation of government money to the tune of Rs. 1,43,17,600/-. Simultaneously, proceedings under the Bihar and Orissa Public Demands Recovery Act, 1914 (hereinafter referred to as the 'Act') were initiated. Notice was issued to the petitioner under section 7 of the Act. The petitioner



filed objection under Section 9 of the Act which was rejected.
Admittedly, appeal under Section 60 of the Act is maintainable
against the order.

We feel that the action of the petitioner in invoking
remedy under Article 226 is misconceived.

Needless to observe that the petitioner has option for
filing appeal as provided under the Act.

The writ petition stands disposed off.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

P. Kumar

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