

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13853 of 2019

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Shailendra Kumar, aged about 47 years, Male, S/o Late Ramdeo Singh
Resident of Village Sirsi Dihara, PO Harnaut, Dist. Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Govt. of Bihar, Patna
2. The District Magistrate, Banka
3. The Block Development Officer, Chandan, Banka
4. The District Certificate Officer, Banka

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh
For the Respondent/s : Mr. Prasant Pratap (Gp2)

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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 Block Development Officer, Chandan, Banka submitted an application to District Certificate Officer, Banka and an FIR was lodged against the petitioner for alleged defalcation of government money to the tune of Rs. 1,21,92,080/-. 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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