

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15187 of 2019

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Raj Kumari Devi @ Raj Kumari Wife of Rajendra Prasad Resident of Village-
Brahmchari, Post Office- Lagma, Police Station- Kahalgaon, District-
Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Welfare,
Government of Bihar, Patna.
2. The District Magistrate, Bhagalpur.
3. The District Welfare Officer cum the District Certificate Officer, Bhagalpur.
4. The Branch Manager, UCO Bank, Kahalgaon, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manish Kumar, Advocate Mr. Mukesh Kant, Advocate
For the Respondent/s	:	Mr. S.K. Mandal, SC-3 Mr. Ranjeet Kumar Pandey, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 08-12-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

1. That, this application is being filed for setting
aside/quashing the notice dated 12.10.2018
issued by the Auction Letter Officer cum
District Welfare Officer, Bhagalpur in auction
Letter Case No. 220/2018-19 whereby and



whereunder the District Welfare Officer has issued show cause the petitioner for depositing the Rs. 5,85,776 without considering the fact that the petitioner and his husband were only guarantors in a education loan as the loanee was minor when loan was sanctioned and respondent did not consider that the loanee is responsible for making payment of loan under the established law of education loan.

It is not in dispute that petition under Section 9 of the Bihar & Orissa Public Demands Recovery Act, 1914 (hereinafter referred to as “the Act”) is pending consideration/petitioner intends to file before the appropriate authority.

Learned counsel for the parties jointly pray that the instant petition be disposed of with direction to the appropriate authority to consider and decide the same expeditiously.

Learned counsel for the State states that the appropriate authority shall consider and decide the petition



filed/ to be filed by the petitioner under Section 9 of the Act positively within a period of three months from the date of appearance of the petitioner before him along with a copy of this order and the issue of limitation shall not come in the way of decision on merits.

Statement accepted and taken on record.

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

(a) Petitioner shall appear in the office of the appropriate authority on 26th of December, 2022 along with a copy of this order, on which date documents in support of the petition shall be filed, or else file a fresh petition under Section 9 of the Act.

(b) The appropriate authority shall consider and dispose of the petitioner's petition expeditiously, by a reasoned and speaking order, preferably within a period of three months from the date of appearance of the petitioner before him and till then no coercive steps be taken against the petitioner;

(c) The authority shall also examine as to whether the amount in question falls within the definition of public



demand or not;

(d) Needless to add, while considering such petition, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(e) Order assigning reasons shall be supplied to the parties;

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

(g) 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;

(h) Liberty reserved to the petitioner to challenge the order passed by the appropriate authority, before the appropriate forum, if so required and desired.

(i) We have not expressed any opinion on merits.

All issues are left open;

The petition stands disposed of in the aforesaid terms.



Interlocutory Application(s), if any, shall stand
disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	09.12.2022
Transmission Date	

