

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17999 of 2019

Ajay Kumar Thakur, Son of Late Upendra Thakur, Resident of Village and P.O. Raghauli, Police Station Bisfi, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Certificate Officer, Madhubani.
3. The District Magistrate, Madhubani.
4. The Deputy Development Commissioner, Madhubani.
5. The Block Development Officer, Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Choudhary, Sr. Advocate.
Mr. Prafull Chandra Jha, Advocate
For the Respondent/s : Binod Kumar Sinha, A.C. to G.P. 8

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 14-12-2022

Heard learned counsel for the parties.

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

- i) For quashing the notice dated 28.05.2019 in Certificate Case No. 01 of 2019-20 issued under the signature of the Respondent no.2, the District Certificate Officer, Madhubani whereby and where under a notice under Section 7 of Bihar and Orissa Public Demand Recovery Act has been issued to the petitioner for recovery of Rs. 24725000/- which was received by the petitioner on 08.06.2019.



- ii) For directing the respondent authorities especially the respondent no.2 to drop the certificate case against the petitioner on the ground that the petitioner was appointed on the compassionate ground in the year 2013 and took charge of Indira Awas Assistant in the month of December 13 by the order of the then Respondent no.5 and handed over the charge of Indira Awas on 31.03.2014 and at that time 21 newly appointed Indira Awas Assistant had been also allotted the work of Indira Awas, thus the petitioner is not responsible for any recovery.
- iii) For all consequential relief to which the petitioner is found entitled in course of hearing of this writ application.

Petitioner intends to prefer an appeal under Section 60 of the Bihar & Orissa Public Demands Recovery Act, 1914 (hereinafter referred to as “the Act”) 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 if the appeal



is preferred within next four weeks, the appropriate authority shall consider and decide the same on merits and limitation shall not be allowed to come in the way of adjudication thereof.

Statement accepted and taken on record.

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

(a) Petitioner shall prefer an appeal under Section 60 of the Act before the appropriate authority within next four weeks;

(b) The appropriate authority shall hear and decide the appeal expeditiously, preferably within a period of three months from the date of filing of the appeal, by passing a reasoned and speaking order, and till then no coercive steps be taken against the petitioner;

(d) Needless to add, while considering such appeal, 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	16.12.2022
Transmission Date	

