

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13035 of 2022

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1. Manohar Kumar, S/o Jaynath Chaudhary, R/o Village- Kaparpura P.O. - Chhapra P.S. - Kanti, District- Muzaffarpur.
 2. Raja Kumar, S/o Pramod Rajak R/o Village Ekara, P.S. - Hajipur Sadar District- Vaishali.
 3. Sujata Kumari, W/o Rakesh Kumar, R/o Village and P.O. - Dhobigama, P.S. - Pusha District -Samastipur.
 4. Rinku Kumari, W/o Arvind Kumar Thakur, R/o Village-Jian Khurd P.S.- Karja District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, Education Department, Bihar, Patna.
2. The Collector, Muzaffarpur.
3. The District Education Officer, Muzaffarpur.
4. The District Programme Officer, Establishment, Muzaffarpur.
5. The Block Development Officer cum Member Secretary, Block Niyojan Unit, Mushahari, Muzaffarpur.
6. The Block Education Officer, Mushahari Muzaffarpur.
7. The Certificate Officer, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Manoj, Advocate

For the Respondent/s : Mr.Madhaw Pd. Yadaw, GP-23

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)



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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 16-09-2022

Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s):-

That this application is being filed for issuance of appropriate writ/writs for quashing of Certificate case no.- 4024 of 2020-21, 4022 of 2020-21, 4023 of 2020-21 and 4027 of 2020-21 lodged by Respondent no.-3, and Notices to Petitioner no.-1 and 4 dt.-25.02.2021 and Notices dt.-16.08.2021 to Petitioner no.-2 and 3 issued by Respondent no.-7 against the Petitioners respectively whereby Rs.-1,84,166 has sought to be recovered from the Petitioners wrongly, illegally and without any justification as the aforesaid amount earned and taken as salary while serving and working as Prakhand Teachers under Respondent no.-5

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/petitioners intend 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 two months from the date of appearance of the petitioners 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) Petitioners shall appear in the office of the appropriate authority on 30th of September, 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 petitioners' petition expeditiously, by a reasoned and speaking order, preferably within a period of two months from the date of appearance of the petitioners before him and till then no coercive steps be taken against the petitioners;

(c) The authority shall also examine as to whether the



amount in question falls within the definition of public demand or not;

(d) The authority shall also examine all issues including question of fact and law;

(e) Needless to add, while considering such petition, principles of natural justice shall be followed and due opportunity of hearing as also leading evidences has to be afforded to the parties;

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

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

(h) We are hopeful that as and when petitioners 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;

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

(j) 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, stands disposed
of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	19.09.2022
Transmission Date	

