

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4056 of 2021

=====

Manish Kumar Chand, Son of Sabhapati Ram, Resident of Village-Chandi Harpur, P.S. Charpokhri, District Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The State of Bihar through The Assistant Chief Secretary, Education Department, Government of Bihar, Patna.
2. The District Magistrate, Bhojpur at Ara.
3. The Deputy Development Officer, Bhojpur at Ara.
4. The District Programme Officer Primary Education, Bhojpur at Ara.
5. The District Certificate Officer, Bhojpur at Ara.
6. The Sub-Divisional Officer cum Certificate Officer, Bhojpur at Ara.
7. The District Education Officer, Bhojpur at Ara.
8. The Block Development Officer, Garhani, Bhojpur at Ara.
9. The District Resource Officer, Bhojpur at Ara.
10. The Block Resource Officer, Garhani, Bhojpur at Ara.
11. The Principal Primary School, Dayal Chapra, Garhani, Bhojpur at Ara.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Ms. Malti Kumari, Advocate Mr. Rajendra Singh, Advocate
For the Respondent/s	:	Mr. Shilpa Singh, GA-12 Ms. Abhanjali, A.C. to G.A. 12

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-08-2022

Heard learned counsel for the parties.

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

“(i) For issuance of appropriate writ/writs, order/orders, direction/directions for quashing the



entire proceeding of certificate case no. 11/2019-20 including the certificate dated 09.01.2019 issued under the signature of District Programme Officer, Bhojpur (respondent no.4) whereby and whereunder a sum of Rs. 618083/- has been declared to be realized/recovered from the petitioner.

(ii) For issuance of appropriate writ/writs, order/orders, direction/directions for quashing of the order dated 12.11.2020 whereby warrant has been issued for arrest of petitioner in certificate case no. 11/19-20 by discarding the showcause filed by petitioner and by holding that petitioner has not submitted any evidence in support of his contention that he handed over the charge to the ill-legally appointed headmistress in the year 2010 and since salary was not paid to him since 2007 i.e., from the date of appointment and so he approached the respondent authorities several time, and order has been passed but till date salary has not been paid to him however at this belated stage, certificate proceeding initiated against him which is not sustainable.

(iii) For issuance of any other relief/reliefs for which petitioner is found entitled in the eye of law and in the facts and circumstances of the present case.”

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.

Mr. Yogesh Chandra Verma, learned Senior Counsel states that warrant of arrest stands issued against the petitioner.

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 12th 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 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)

(Satyavrat Verma, J)

Amrendra/-PKP

AFR/NAFR	
CAV DATE	
Uploading Date	22.08.2022
Transmission Date	

