

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18416 of 2021

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Sindhu Kumari Daughter of Surendra Paswan, Wife of Balwanta Kumar
Resident of Krishna Nagar, Ward No. 23, Batraha Saharsa. At Present
Resident of House No. 623, Sudama Sadan, Gangjala, Police Station Saharsa
Sadar, District Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Education Department, Patna.
2. The Principal Secretary, Education Department, Patna.
3. The State Project Director, Bihar Education Project Council, Patna.
4. The Director Primary Education, Government of Bihar, Patna.
5. The Civil works Manager, Bihar Education Project Council, Patna.
6. The District Magistrate, Saharsa.
7. District Certificate Officer, Saharsa.
8. The District Program Officer, Primary Education and Sarva Shiksha Abhiyan, Bihar Education Project Council, Saharsa.
9. The Block Education Officer, Mahishi, District Saharsa.
10. The Panchayat Secretary, Gram Panchayat Raj, Jhara, Circle Mahishi, District Saharsa.
11. Sri Ganesh Kumar, the Incharge Head master, Nav Srijit Primary School Tikolwa, Police Station Mahishi, Distict Saharsa.

... .. Respondent/s

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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.)

Appearance :

For the Petitioner/s : Mr.Satish Kumar Singh, Adv
For the Respondent/s : Mr.Smt. Shilpa Singh (GA12)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 14-02-2022

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

“1. That this application is being filed for

issuance of appropriate writ/writs, order/orders, direction/directions in regard to quashing of the Certificate Case No. Misc. 20/2020-21 pending before the District Certificate Officer, Saharsa.

2. That the petitioner prays for the following relief/reliefs:

(i) The Certificate Case No. 20/2020-21 before the “Jila Nilam Patr Padadhikari”, Saharsa (District Certificate Officer, Saharsa) be quashed.

(ii) The Notices arising out of the proceeding of certificate case be quashed.

(iii) During pendency of the instant writ application the proceeding of certificate case No. Misc. 20/2020-21 be stayed.”

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 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 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 **02.03.2022** 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 two 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, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA