

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20768 of 2021

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Sudhir Kumar Jha Son of Ganpati Jha Ward No.13, Chichri Buzurg, P.O. and
P.S.-Rajnagar, District-Madhubani, Pin-Code-847235.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Bihar, Patna.
2. Director, Secondary Education, Education Department, Bihar, Patna
3. District Magistrate, Darbhanga.
4. District Education Officer, Darbhanga.
5. District Programme Officer, Planning and Accounts, Darbhanga
6. District Certificate Officer, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Abhinav Srivastava, Advocate
For the Respondent/s : Mr.Madanjeet Kumar (GP20)

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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.)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 11-02-2022

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

“(I) Issuance of a direction, order or writ,
including writ in the nature of certiorari quashing the
order dated 17/09/2021 passed by the District Certificate
Officer, Darbhanga in Certificate Case No.04/2020-21, by
which while rejecting the reply submitted by the
petitioner, it has been directed that the petitioner was to
deposit the purported amount of claim in 50 installments
@ Rs.1,20,000/- per installment failing which it was
indicated that action in terms of Section 13 of Bihar and
Orissa Public Demands Recovery Act, 1914 would be
taken against the petitioner;

(ii) Issuance of a direction, order or writ, including
writ in the nature of mandamus commanding the

concerned respondent authorities to refrain from giving effect to the directions contained under the impugned order dated 17/09/2021 passed by the Certificate Officer, Darbhanga in Certificate Case No.04/2020-21;

(iii) Issuance of a declaration holding that the impugned order dated 17/09/2021 passed in Certificate Case No.04/2020-21 by the Certificate Officer, Darbhanga is completely untenable in the eyes of law the same being in blatant disregard and violation of the provisions contained under the Bihar and Orissa Public Demands Recovery Act, 1914;

(iv) Any other relief that the petitioner may be found to be entitled to in the facts and circumstance 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.

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 28.02. 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