

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15957 of 2022

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Amarjit Kumar Singh Son of Bharat Singh Resident of Village- Dowal, Police Station- Goh, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Bihar, Patna.
2. The Principal Secretary, Human Resources Department, Bihar, Patna.
3. The District Magistrate, Aurangabad, District- Aurangabad.
4. The District Education Officer, Aurangabad, District- Aurangabad.
5. The District Programme Officer, Establishment Aurangabad, District- Aurangabad.
6. The District Programme Officer, Primary Education and Sarav Shiksha Abhiyan Satender Nagar, Aurangabad, District- Aurangabad.
7. The District Nilam Patra Officer, Aurangabad, District- Aurangabad.
8. The Block Officer, Goh, Block- Goh, District- Aurangabad.
9. Mithilesh Kumar Singh, The Incharge Headmaster, Government Middle School Jalalpur, Police Station- Goh, District- Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rabindra Prasad Singh, Advocate
For the State	:	Smt. Binita Singh, SC 28
For BEPC	:	Mr. Girijish Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 24-11-2022

Heard learned counsel for the parties.

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

“(I) That this Writ Petition is being filed on behalf of the petitioner for issuance of an order/ orders/ direction/ directions/ writ in the nature of certiorari to set aside the letter vide Memo No. 21 dated 08.02.2022 issued by the In-charge Officer, Nilam Patra Branch, Aurangabad



whereby and where under the Respondents have directed to deposit Rs. 1,25,700/- through Nilam Case No. 77 of 2020-21 to the petitioner, however the petitioner has given charge to the In-charge Headmaster of the School.

(II) And further be pleased to grant other relief/relieves as the petitioner is entitled for;”

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 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 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 **19.12.2022** 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)

(Partha Sarthy, J)

Spd/-Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	25.11.2022
Transmission Date	

