

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21853 of 2019

=====

Indrasan Kumari @ Indrasan Devi W/o Shri Umesh Paswan, R/o Village and
P.O.-Balua, Police Station-Phulparas, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Human Resource Department, Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The Regional Deputy Director, Education, Darbhanga Division, Darbhanga.
4. The District Magistrate, Madhubani.
5. The District Education Officer, Madhubani.
6. The District Programme Officer (Establishment), Madhubani.
7. The Sub Divisional Auction Letter Officer, Phulparas, District-Madhubani.
8. The Block Education Officer, Block-Ghoghardiha, District-Madhubani.
9. The Headmaster, Utkramit Middle School, Sangi, Block-Ghoghardiha, District-Madhubani.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Advocate
For the Respondent/s : Mr. Ashutosh Ranjan Pandey (AAG 15)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-12-2022

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

“(i) For issuance of an appropriate order, direction or writ in the nature of CERTIORARI for quashing memo no. Connexure-9) 185, dated 06.07.2019 (Annexure-9) issued in Auction Letter Case No. 80/2018-19 issued by Sub Divisional Auction Letter Officer, Phulparas whereby and whereunder the petitioner has been



directed to deposit Rs. 101116/- (Rupees One Lac one Thousand one hundred sixteen only) by dated 31.07.2019 which has been paid serving on to her when she was the post of Block Teacher.

(ii) For any other relief or reliefs for which the petitioner may be found entitled to in the facts and circumstances of the case.”

It is not in dispute that petition under Section 9/ Section 16 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/ Section 16 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 27.12.2022 at 10:30 A.M. 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/ Section 16 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)

Bibhash/-

AFR/NAFR	
CAV DATE	
Uploading Date	14.12.2022
Transmission Date	

