

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6014 of 2024

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Ravindra Kumar son of Late Mukhlal Prasad, Resident of Village Dhum
Nagar Kachhari Tola, Ward No. 13, P.S. Nautan, District West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Bettiah, West Champaran.
2. The District Certificate Officer, Bettiah, West Champaran.
3. The Branch Manager, Punjab National Bank, Hazari Mal Dharamshala, Bettiah, West Champaran.
4. The Civil Surgeon cum Chief Medical Officer, Bettiah, West Champaran.
5. The In-charge Medical Officer, Community Health Centre, Majhauria, West Champaran.
6. The District Additional Collector, Banking, Bettiah, West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Gupta, Adv.
For PNB	:	Mr. Mritunjay Kumar, Adv.
	:	Ms. Shilpi Singh, Adv.
	:	Mr. Vibhuti Kumar, Adv.
For the Respondent/s	:	Mr. Government Pleader 3
	:	Mr. Rajesh Kumar, AC to GP3

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

2 03-09-2024 Heard the learned counsel for the parties.

The present writ petition has been filed for the
following reliefs:-

“That this writ application in the nature of certiorari for quashing of order dated 30.09.2023 issued under the signature of Respondent no. 2 Certificate officer arising out of Certificate No. 274/2017-18 by which Respondent no. 2 (Certificate Officer instead of deciding the objection filed under Section 9 of the Act on merit, directed the petitioner



to get the matter compromise and upon being compromise made between the parties amount as claimed be deposited to bank and receipt to that effect be produced before the court for quashing of the consequential order issued by the In-charge Medical Officer, Community Health Centre Majhulia, West Champaran dated 26.05.2023 and 11.07.2023 by Respondent no. 5 by which directed for deduction of the aforesaid amount from salary of the petitioner without any show cause to the petitioner and further for any after appropriate relief or reliefs for which petitioner is entitled from the facts and circumstances of the case.”

3. Admittedly, in the present case, the petitioner has filed his objections under Section 9 of the Bihar and Orissa Public Demands Recovery Act, 1914 against the notice issued to him under Section 7 of the said Act. It is also not denied that the final orders under Section 10 of the said Act have not been passed by the authority, the act of the authority passing the impugned order directing the attachment of the salary of the petitioner and also taking coercive steps without passing the final orders cannot be sustained and the same has to be held as bad. In case the authority wants to take any action against the petitioner, he can only do so after the final orders are passed by the Certificate Officer.

4. The present writ petition is disposed of directing the Certificate Officer, Bettiah, West Champaran i.e., respondent



No. 2 to pass final orders under Section 10 duly taking into consideration the objections filed by the petitioner under Section 9 as expeditiously as possible preferably within a period of 12 weeks from the date of receipt of a copy of this order. It is needless to mention that before passing any orders, the authority concerned shall put the petitioner on notice and he shall be given an opportunity of hearing. Any order passed shall be communicated to the petitioner.

5. Till such time the final orders are passed under Section 10, no coercive steps shall be taken against the petitioner.

4. With the above direction, the present writ petition stands disposed of.

(A. Abhishek Reddy, J)

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