

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8377 of 2016

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Satish Kumar Sinha Son of Late Hari Nandan Prasad, R/o Diwan Mohalla
Pato Ki Bag, Patna City, P.S.- Khajekalan, District- Patna at present posted as
a Co operative Extension Officer, at Lakhesarai

... .. Petitioner

Versus

1. The State Of Bihar through the Collector, Banka.
2. The Bihar State Food and Civil Supplies Corporation Ltd. through its
Managing Director, Patna
3. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd.
Banka, Town and District
4. The District Certificate Officer, Banka

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Jai Ram Singh, Advocate
	:	Mr. Keshab Raj, Advocate
For the Respondents	:	Mr. Awanish Nandan Sinha, GP11
For the State	:	Mr. Nilotpal Sharma, AC to Ex. GP-21
For the BSFC	:	Mr. Shailendra Kr. Singh, Advocate
	:	Mr. Utkarsha Utpal, Advocate

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT
Date : 25-10-2024

1. This Writ petition is filed to quash the proceedings in Certificate Case No. 61/14-15, pending before respondent No. 4 i.e. Certificate Officer, Banka, wherein the petitioner was directed to pay Rs. 36,08,831.50/- under Bihar and Orrisa Public Recovery, 1914 (hereinafter referred to as 'the Act').

2. The brief facts culled out of the Writ petition is that the petitioner is a Government servant and was posted



as Cooperative Extension Officer at Amarpur-cum-Krya Kendra Officer, Amarpur (Banka). The petitioner and one other employee, namely, Sanjay Kumar were deputed for purchasing paddy and to store it, in Storeroom for the year 2012-13. The petitioner was on duty upto 30.04.2013 in Amarpur Block and thereafter, he was transferred to Lakhisarai District. The petitioner got himself relieved on 16.06.2013, by the order of the District Officer.

3. It is the specific contention of the petitioner that he locked the door of the Storeroom and went to the new transferred post and by the time he returned, he did not found paddy in the Storeroom and another lock was kept on the gate of the Storeroom. The petitioner lodged an F.I.R. before the local Police Station. The paddy was lost, in the absence of the petitioner he cannot be held responsible. Later, it came to the knowledge of the petitioner that the Certificate Case No. 61/2014-2015 was initiated against him by respondent No. 3 for recovery of Rs. 36,08,315.50/-, for which the petitioner has filed his objection under Section 9 of the Act and without passing



the final order, the District Certificate Officer, Banka directed the petitioner to deposit the entire amount of the Certificate on or before 31.03.2016. Pursuant to it, Warrant of arrest was issued against the petitioner. Being aggrieved of the same, the present Writ petition was filed.

4. This Court, *vide* order dated 20.06.2016 has stayed all further proceedings in Certificate Case No. 61/2014-2015, including the Warrant of arrest.

5. Heard the Learned counsel for the petitioner and the Learned counsel for the respondents. Perused the records.

6. On perusal of records, it is evident that the petitioner has filed his objections under Section 9 of the Public Demand Recovery Act, 1914, without passing final order the petitioner was directed to deposit an amount of Rs. 36,08,315.50/- and the Warrant of arrest was issued.

7. It is the duty of the District Certificate Officer, Banka to pass appropriate order (final order) under Section 10 of Bihar and Orrisa Public Recovery Act, considering the objection filed by the petitioner u/s 9 of



the said Act, therefore, the respondent-District Certificate Officer, Banka, is directed to pass appropriate final orders in Certificate Case No. 61/14-15 within a period of three months from the date of receipt of this order.

8. With the abovesaid observations, the Writ petition stands disposed of.

9. Interlocutory application(s), if any, shall also stands disposed of.

(G. Anupama Chakravarthy, J)

Shanu/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.10.2024.
Transmission Date	NA

