

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13534 of 2023**

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Brij Kishor Tiwary S/o Late Ramayan Tiwary R/o Village-Jamunaha Bazar,  
P.S.-Kateya, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Gpalganj.
3. The District Education Officer, Gopalganj
4. The District Programme Officer, Sarv Shiksha Abhiyan, Gopalganj.
5. The Block Education Officer, Panchdevari, District Gopalganj.
6. The Circle Officer, Panchdevari Gopalganj.
7. The District Certificate Officer, Gopalganj.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr.Ranjeet Kumar Pandey, Advocate |
| For the Respondent/s | : | Mr.Kameshwar Kumar ( GP 17 )      |
|                      | : | Mr. Amit Bhushan, AC to GP        |

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

- 5      21-02-2024      1.                      Heard learned counsel for the parties concerned.
2.                      The petitioner has filed the present writ application for quashing entire certificate proceeding of Certificate case no. 2/misc/2021, pending before the District Certificate Officer, Gopalganj, initiated on the requisition of District Programme Officer, Sarv Shiksha Abhiyan, Gopalganj, for recovery of a sum of Rs. 8,21,900/- from the petitioner.
3.                      The petitioner has also prayed for quashing the notice dated 10.04.2021, issued by the District Certificate Office, Gopalganj under Section 7 of the Bihar and Orissa



Public Demand Recovery Act, 1914, requiring the petitioner to deposit the certificate amount of Rs. 8,21,900/-.

4. Learned counsel for the petitioner submits that the aforesaid amount is sought to be recovered from the petitioner after 10 years of his retirement. He further submits that when the petitioner was Headmaster of Upgraded Middle School, Bhatpoiya, Panchdevari, at that time, a sum of Rs. 3 lacs was sent in the account of School for construction of building and at the time of retirement, the petitioner had handed over the charge to In-charge Headmaster Sri Mahtab Alam. He next submits that petitioner is not involved in the defalcation of the amount and at the time of retirement, no dues certificate has also been issued by the Area Education Officer, Bhore, Gopalganj. Learned counsel also submits that certificate proceeding was initiated after 06 years of retirement of the petitioner.

5. Learned counsel for the State submits that petitioner was Headmaster and principal amount was neither returned nor construction work was started and completed by the petitioner, as such, the competent authority has filed the requisition for recovery of principal amount of Rs. 3 lacs along with interest, which comes to Rs. 8,21,900/-. He further submits that the petitioner, without filing objection under Section 9 of



the Bihar and Orissa Public Demand Recovery Act, 1914, has approached this Court directly. Section 9 of the Bihar and Orissa Public Demand Recovery Act, 1914 stipulates that :-

*“ (1) The certificate debtor may within thirty days from the service of the notice required by Section 7, or where the notice has not been duly served then within thirty days from the execution of any process for enforcing the certificate, present to the Certificate Officer in whose office the certificate is filed or to the Certificate Officer who is executing the certificate, a petition, in the prescribed form, signed and verified in the prescribed manner, denying his liability, in whole or in part.*

*(2) If any such petition is presented to a Certificate Officer other than the Certificate Officer in whose office the original certificate is filed, it shall be sent to the latter officer for disposal.”*

6. After having heard learned counsel for the parties and taking into consideration the legal provisions, as prescribed under Section 9 of the Bihar and Orissa Public Demand Recovery Act, 1914 and the fact that petitioner, instead of filing objection to the notice, issued under Section 7 of the Bihar and Orissa Public Demand Recovery Act, 1914, before the District Certificate Office, Gopalganj, has approached this Court



directly, I do not find any reason to interfere with the present writ application, as such, the same is dismissed, however, petitioner is at liberty to file objection under Section 9 of the Bihar and Orissa Public Demand Recovery Act, 1914, before the District Certificate Officer, Gopalganj, in accordance with law.

**(Anil Kumar Sinha, J)**

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