

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1030 of 2024

Amarendra Prasad Choudhary Son of Late Hari Prasad Choudhary, resident of ward no. 26, Acharpul, Ara, Bhojpur, at present posted as Junior Engineer, Ganga Pump Canal Division (Supervisor, wheat procurement Centre, Chausa), Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. Managing Director, Bihar State Food and Civil Supplies Corporation Ltd, Patna.
3. District Magistrate, Buxar.
4. District Manager, State Food Corporation, Buxar.
5. District Certificate Officer, Buxar.

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Kamlesh Prasad Yadav, Adv.
For the BSFC	:	Mr. Shailendra Kr. Singh, Adv.
		Mr. Utkarsha Utpal, Adv.
For the State	:	mr. Mrigendra Kumar, AC to GA-10

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

- 2 15-03-2024 1. This Court vide order dated 30.08.2018 while disposing of the writ petition filed by the petitioner herein has directed him to file his objections before the Certificate Officer. Further in the said order, it is clearly stated that till the disposal of the certificate case, the District Certificate Officer shall refrain from resorting to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 04/2015-16. subsequently the said case has been converted into 22/2020-21.
2. Learned counsel for the petitioner has stated that



inspite of the said directions, the authorities concerned has issued the letter dated 18.11.2023 wherein while fixing the date of hearing on 15.12.2023, the authority has directed the petitioner to deposit the entire amount due under the Certificate proceedings.

3. This Court is of the opinion that once an order has been passed by this Court in C.W.J.C. No. 12844 of 2015 dated 30.08.2018 not to take any coercive action for the recovery of the dues, the authority ought not to have issued the letter dated 18.11.2023 directing the petitioner to pay the outstanding amount. The said observation in the impugned order is contrary to the earlier order passed by this Court. Therefore, till such time the final orders are passed by the authority concerned, the authority shall refrain from directing the petitioner to deposit entire due amount.

4. The Certificate Officer shall endeavour to pass final orders as expeditiously as possible preferably within a period of three months from the date of receipt of the copy of this order. It is needless to mention that before passing any final order, the petitioner shall be given an opportunity of hearing. Any order passed shall be communicated to the party.

5. With the above directions, the writ petition stands



disposed of.

(A. Abhishek Reddy , J)

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