

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12092 of 2018

Shiveshwar Mishra Son of Sri Satrugshan Mishra Resident of Village and P.O.-
Nanpur, District- Sitamarhi at Present working as Panchayat Technical
Assistant, MANREGA, Block- Bisfi, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Patna, Bihar.
2. The Secretary Rural Development Department, Government of Bihar, Patna.
3. The District Magistrate-Cum-District Programme Co-ordinator
(MANREGA) Madhubani.
4. The Deputy Commissioner-cum-Additional District Programme Co-
Ordinator (MANREGA), Madhubani.
5. The Director, Account Administrator and Self Employment, District Rural
Development Authority, Madhubani.
6. The Certificate Officer-Cum-Sub Divisional Officer, Jaynagar, District-
Madhubani.
7. The Programme Officer (MANREGA), Block- Ladaniya, District-
Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Subhash Kumar Jha, Adv.
For the Respondent/s	:	Mr.Anjani Kumar, Adv
For the State	:	Mr.Sanjay Prasad, AC to AAG4

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 25-07-2025

1. The Writ petition is filed for the following
reliefs:-

*(i) For issuance of a writ in the
nature of certiorari for quashing the
order contained in Memo no.
47/जि०ग्रा०वि०अ०, Madhubani, dated
13.1.2017/Annex.-1, issued by the
Deputy Development Commissioner-*



cum-Additional District Programme Coordinator (MANREGA), Madhubani/ respondent no.-4 by which the Programme Officer, Ladaniyan/ respondent no. 7 has been directed to recover an amount of 20 percent of recoverable amount of dissipation of Rs. 2,63,460/- (Two lakhs sixty three thousand four hundred and sixty rupees) from the then Panchayat Technical Assistant/petitioner.

(ii) For issuance of a writ in the nature of certiorari for quashing the order contained in letter no. 05 dated 18.01.2017/Annex.-2 issued by the Programme Officer, Ladaniyan by which the petitioner has been directed to ensure deposit of an amount of Rs. 52,692/-(Fifty two thousand six hundred and ninety two rupees) through cheque in favour of Ladaniyan to his Office.

(iii) For issuance of a writ in the nature of certiorari for quashing the certificate proceeding initiated against the petitioner vide Certificate Case No. 322/17-18 by the Certificate Officer, Jaynagar.

(iv) For issuance of a writ in the nature of certiorari for quashing the notice dated 18.11.17 issued by the Certificate Officer, Jaynagar by which the petitioner has been informed that a certificate proceeding bearing Certificate Case No. 322/17-18 has been initiated against him/certificate debtor under Section 7 of the Bihar & Orissa Public Demand Recovery Act, 1914 (hereinafter referred as BAOPDR



Act, 1914) for recovery of a sum of Rs. 57,976.20/ due to the Programme Officer (MANREGA), Ladaniyan/ certificate holder.

(v) for issuance of a writ in the nature of mandamus directing the respondent concerned not to recover any amount of dissipation of Rs. 2,63,460/- (Two lakhs sixty three thousand four hundred and sixty rupees) from the petitioner.

(vi) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled in the facts and circumstances of the case.

2. It is the specific contention of the Learned counsel for the petitioner that the certificate proceeding initiated against the petitioner in Certificate Case No. 322/2017-18 by the Certificate Officer, Jaynagar, under Section 7 of the Bihar and Orissa Public Demands Recovery Act, 1914, is for recovery of a sum of Rs. 57,976.20/-. In spite of filing the objections under Section 9 of the PDR Act, the final order has not been passed by the Certificate Officer under Section 10 of the PDR Act.

3. On the other hand, the learned counsel for the respondents contended that the objections were



not in the proper format so as to be considered by the Certificate Officer.

4. At this juncture, the Learned counsel for the petitioner seeks permission to file fresh objections before the concerned authority in the proper format.

5. Therefore, without going into the merits or demerits of the case, this Court permits the petitioner to file objections under Section 9 of the PDR Act within one month from the date of receipt of this order. In turn, the concerned authority shall pass an appropriate order under Section 10 of the PDR Act within three months from the date of filing the objections by the petitioner, after considering the relevant documents.

6. It is needless to mention that before passing any order, the authority concerned shall give an opportunity of hearing to the petitioner. Any order passed shall be communicated to the petitioner.

7. Till the passing of the final order by the Certificate Officer, it is directed that no coercive steps shall be taken against the petitioner herein.



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

(G. Anupama Chakravarthy, J)

AMANDEEP/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29.07.2025
Transmission Date	

