

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13572 of 2017

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Rajeev Kumar @ Rajiv Kumar S/o Sri Shyam Kishore Sharma. Former
Executive Assistant, Paddy Procurement Centre-Riga, District- Sitamarhi, R/o
Mohalla- Kailashpuri, Ward No. 10, P.S.- Dumra, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar through Chief Secretary, Government of Bihar, Old Secretaria, PO – Sachivalay, District Patna
2. Food and Consumer Protection Department through its Principal Secretary/Secretary, Government of Bihar, Patna
3. District Certificate Officer, District- Sitamarhi.
4. The Bihar State Food and Civil Supplies Corporation Limited through its Chairman-cum- Managing Director, Sone Bhawan, Bir Chand Patel Path, PO – GPO, District Patna
5. District Manager, The Bihar State Food and Civil Supplies Corporation Limited, District- Patna.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 13572 of 2017)

For the Petitioner/s	:	Mr. Nirmala Kumari, Advocate
For the Respondent/s	:	Mr. A. Ujjwal – SC4
For the BSFC	:	M/s Shailendra Kumar Singh, Utkarsha Utpal, Advocate

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 10-10-2025

1 The petitioner has filed the instant application for the following reliefs:

“(a) for issuance of writ of certiorari, or any other writ/writs, direction/directions or order/orders to quash order dated 19.07.2017 (Annexure 6 of petition) and subsequent order/s passed by Respondent No. 3 in Certificate Case No. 6/15-16 against the petitioner.

(b) for any other relief or



reliefs to which the petitioner is found entitled as per law."

2. At the outset, the Learned counsel for the respondents submitted to the Court that the present Writ petition is squarely covered by the orders passed by this Court in **CWJC No. 1490 of 2017 (Vijay Patel Singh Vs. The State of Bihar & Ors.** as well as in **CWJC No. 16068 of 2017 (Vibhore Kumar Vs. The State of Bihar & Ors).** It is further submitted that this Court has disposed of **Vibhore Kumar (supra)** in light of the judgment passed by the Hon'ble Supreme Court of India in the case of **Pawapuri Rice Mills Versus Bihar State Food and Civil Supplies Corporation Ltd. & Ors.** and other analogous cases reported in **2024 SCC OnLine SC 3777**, therefore, this Writ petition may also be disposed of on the same terms and conditions.

3. However, the Learned counsel for the petitioner placed reliance on **AIR 1976 Patna 217 (Hari Prasad Agarwalla Vs. The State of Bihar & Ors.).**



4. Heard the Learned counsel for the petitioner as well as the Learned counsel for the State and perused the records of the cases.

5. I find force in the submissions made by the Learned counsel for the respondents and have also perused the orders passed in the cases relied upon by him.

6. The reliance placed by the Learned Counsel for the petitioners is not applicable in the present case, as the Hon'ble Supreme Court has recently observed in **Pawapuri Rice Mills (supra)**, which squarely applies to the present matters.

7. The Hon'ble Supreme Court in **Pawapuri Rice Mills (supra)** has observed as follows:

"41. We have perused the record and are of the view that the Rice Millers invoked the writ remedy by raising a jurisdictional fact against realising the sums as a public demand under the Act. As a writ court or in an appeal under Article 136, we are not examining the contentions on alleged



procedural deviations. We, however, leave it open to the respective Rice Millers to avail a statutory remedy as may be available under the Act. For availing a statutory remedy, we grant thirty days from today to the Rice Millers.

42. In the event of a Rice Miller availing a statutory remedy as permitted by this Judgment, the said authority shall entertain the case without reference to the delay and the period of limitation in availing a remedy before the said authority. With the above observation, the civil appeals stand dismissed. No order as to costs. ”

8. Taking into consideration of the **Pawapuri Rice Mills (supra)** that the petitioner has a statutory remedy for filing an appeal under Section 60 of the Bihar & Orissa Public Demand Recovery Act, 1914, therefore, the petitioner is directed to to file an appeal within four weeks from the date of receipt of this order before the appropriate authority. The delay in filing the appeal



shall be condoned by the authority concerned, and the authority shall dispose of the appeal within three months from the date of filing of the appeal.

9. With the above said observation, the aforesaid Writ petition is disposed of.

10. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.10.2025
Transmission Date	

