

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11744 of 2012

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Ram Janam Prasad S/O Late Indra Deo Rajak, Resident of Mohalla- Ram
Nagar, Near Polytechnic, P.S. - K. Hat, District - Purnea

... .. Petitioner/s

Versus

1. The Central Bank of India, Zonal Office, Maurya Complex, Patna through the Zonal Manager.
2. The Zonal Manager, Central Bank of India, Zonal Office, Maurya Complex, Patna.
3. The Disciplinary Authority-Cum-The Assistant General Manager, Central Bank of India, Zonal Office, Maurya Complex, Patna.
4. The Regional Manager, Central Bank of India, Regional Office, Purnea.
5. The Enquiring Authority-Cum-Senior Manager, Central Bank of India, Purnea Branch, Purnea.
6. The Central Bank of India, Banmankhi Branch, Purnea Through Its Branch Manager.
7. The Branch Manager, Central Bank of India, Banmankhi Branch, Purnea.
8. The Registrar, Debt Recovery Tribunal , Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : None
For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 5 08-09-2025 1. No one appears on behalf of the petitioner nor for the respondents.
2. The petitioner has filed the instant application for the following reliefs :-

“1. A. For issuance of a writ in the nature of certiorari or any other appropriate writ, order/s, direction, quashing the O.A. No.



70/2012 filed under section 19 of Recovery of Debts Due to Banks and Financial Institution Act, 1993 by the respondent no. 6 to the extent the same relates to the prayer for issuance of recovery certificate of Rs. 75,48,762.00 as on 25.02.2011 with pendentialite and future interest @ 13% per annum with monthly interest from 26.02.2011 for all the advances with costs of this suit be granted in favour of the respondent no. 6 and against the petitioner as the money in question is not a debt as defined under the aforesaid Act in respect of the petitioner and the same is being sought to be recovered from the petitioner on the ground that being the Branch Manager of the Bank in Question at the relevant time the petitioner has embezzled the said amount in the name of advancement of the same to 135 fake persons although the departmental proceeding initiated against the petitioner with respect to the same charges is still going on and the Criminal investigation in respect of charges is also pending.

(Annexure-7)

B. For issuance of a writ in the nature of mandamus or any other appropriate writ, order/s, direction commanding the respondents for the followings:-

I. To treat the annexure-7 to the petition to be nullity and non-est in the eye of law to the extent indicated above.

II. To hold that the aforesaid proceeding for recovery of the amount in



question from the petitioner is premature and the same amounts to pronouncement of guilt of the petitioner without conclusion of the connected departmental proceeding and criminal proceeding as well.

III. To hold that the money in question not a debt with respect to the petitioner as defined under section 2(g) of the Recovery of Debts Due to Banks and Financial Institution Act, 1993 and as such the proceeding in question is not maintainable against the petitioner.

IV. To hold that the impugned proceeding in question has been set in motion with a view to harass and to vex the petitioner.

C. For any other relief/s to which the petitioner is found entitled to.”

3. No one had appeared on behalf of the petitioner on 25.8.2025 also when the following order was passed :-

“No one appears on behalf of the petitioners.

2. Learned counsel for the Respondent-State and learned counsel for the Respondent-Central Bank of India are present.

3. These are old matters of the year 2012 and still the petitioners are not taking interest to press the writ application. These cases are being adjourned for the last time and if on the next date the learned counsel for the petitioners does not appear or does not take interest to press the writ application then the



Court may consider dismissing it for non-prosecution.

4. Put up these cases on 08.09.2025.”

4. As no one appears on behalf of the petitioner, the case is dismissed for non-prosecution.

(Partha Sarthy, J)

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