

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15718 of 2018

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Vijay Shankar Prasad son of Late Jay Mangal Prasad resident of village
Bhelwa Circle, P.S. Ghorasahan, District East Champaran, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd. Patna.
3. The District Magistrate, District East Champaran at Motihari, Bihar.
4. The Superintendent of Police, East Champaran at Motihari, Bihar.
5. The District Manager, State Food Corporation Ltd. District Motihari, Bihar.
6. The Certificate Officer, District East Champaran, Motihari, Bihar.
7. The Officer In Charge, P.S. Ghorasahan, District Motihari, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Prabhat Ranjan, Adv.
For the Respondent/s	:	Mr.Arvind Ujjwal- SC4
For the BSFC	:	Mr. Shailendra Kumar Singh, Adv.
	:	Mr. Utkarsha Utpal, Adv.

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 16-07-2025

1. This Court has passed a detailed order
on 21.08.2018, which reads as follows:-

*Heard learned counsel for the
petitioner, learned counsel for the Bihar
State Food & Civil Supplies Corporation
Ltd. and learned counsel appearing on
behalf of the State.*

*Petitioner assails the order
passed by the District Certificate Officer,*



East Champaran, Motihari, respondent no. 6 whereby the objection filed by the petitioner in Certificate Case No. 13 of 2014-15 has been rejected vide order dated 05.05.2016 which is under challenge in Annexure-6.

Learned counsel for the petitioner submits that earlier he moved this Court against the cryptic order dated 23.02.2015 disposing of his objection under Section 9 of the PDR Act and this Court in C.W.J.C. No. 9585 of 2015 dated 07.07.2015 vide Annexure-5 had quashed the order dated 23.02.2015 disposing of the objection of the petitioner under Section 9 of the PDR Act and remitted the matter for consideration and of passing reasoned order. He submits that his objection has again not been considered neither the issue of lack of jurisdiction has been discussed in the impugned order dated 05.05.2016 nor the liability which has been saddled on the petitioner.

Learned counsel for the State and Bihar State Food & Civil Supplies Corporation Ltd seeks four weeks time to file counter affidavit.



In the meantime, the order dated 05.05.2016 shall remain stayed.

2. The petitioner has challenged the order dated 05.05.2016 passed by the respondent authority under Section 10 of the PDR Act, wherein the objection of the petitioner has neither been considered on the ground of lack of jurisdiction nor with respect to the liability that has been saddled on the petitioner.

3. The counter affidavit filed by the respondent is also very much silent, on these aspects. Therefore, this Court is of the considered view that the order dated 05.05.2016 passed by the respondent is liable to be set aside.

4. Accordingly, order dated 05.05.2016 passed by the District Certificate Officer in Certificate Case No. 13/2014-15 is hereby set aside. The matter is remitted back to the concerned Certificate Officer to pass an appropriate order in accordance with law, within a period of three months from the date of receipt/production of a copy of this order,



considering the issue of lack of jurisdiction as well as the liability saddled on the petitioner.

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

6. Interlocutory application, if any, shall stands diposed of.

(G. Anupama Chakravarthy, J)

AMANDEEP/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	23.07.2025.
Transmission Date	

