

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5046 of 2018

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Sheo Kumar Yadav S/o Late Bandhu Yadav, Resident of Village- Jagdishpur,
P.S.- Vijaipur, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Registrar, Hon'ble Mr. Justice Uday Sinha Judicial Inquiry Commission,
12-13 Back of Harding Ro
3. The Deputy Development Commissioner, Gopalganj.
4. The District Magistrate, Gopalganj.
5. The Certificate Officer, Gopalganj.
6. The Block Development Officer, Vijaipur, Gopalganj.
7. The Programme Officer, Vijaipur, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari, Adv.

For the Respondent/s : Mr.Anjani Kumar- AAG4

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 03-07-2025

1. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents.

2. The petitioner has filed the instant application for the following reliefs:

(i) To issue a writ/writs and order/orders in the nature of 27 12-12 certiorari for setting aside the order 23.01.2018 passed in Case No. Gopalganj/91/02/CWJC/2017 passed by the Chairman the Hon'ble Justice Uday Sinha Judicial Inquiry Commission whereby



and where under the case of the petitioner has been rejected even without making proper inquiry and/or without taking evidence of the petitioner and concerning respondent authorities and also without following the direction/guideline of the order dated 21.09.2015 passed in CWJC No. 5638 of 2011 passed by this Hon'ble Court in true sense by which the Certificate Officer and Programme Officer has directed to recover the some in accordance with law.

(ii) That the petitioner further prays to issue direction to the B.D.O. or Programme Officer or Deputy Development Commissioner, Gopalganj or the concerned authority to refund the amount to the tune of Rs.73,100/- to the petitioner deposited on protest vide cheque dated 07.11.2017 in terms of the direction of the Hon'ble Justice Uday Sinha Judicial Inquiry Commission.

(iii) The petitioner further prays to stay the further proceeding of Certificate Case No. 33/2012-13 pending before the learned Certificate Officer-cum-District Panchayat Raj Officer, Gopalganj.

(iv) To any other relief or reliefs to which the petitioner is entitled in the facts and circumstances of the case.



3. At the very outset, Learned counsel for the respondents contended that since this matter is squarely covered under the order dated 08.03.2022 passed in **CWJC No. 10446 of 2020 (Bhawesh Kumar Bhaskar Vs. The State of Bihar & Ors.)** by a Division Bench of this Court, this Writ petition may also be disposed of on the same terms and conditions.

4. In the case of **Bhawesh Kumar Bhaskar (supra)**, their Lordships have held as follows:-

“This Hon’ble Court had constituted the Hon’ble Justice Uday Sinha inquiry commission to adjudicate dispute between the PDS dealer and State authorities with respect to left over quantity of rice under Sampurna Gramin Rojgar Yojna (SGRY) scheme with PDS dealer.

It is contended that rice was given to PDS dealer but the scheme was discontinued and huge quantity of rice remained in possession of the PDS dealer and State Government directed to either return the rice or refund the amount.



As there was dispute between the parties, this Court constituted an inquiry commission headed by retired Judge (Mr. Justice Uday Sinha) where both the parties including the petitioner appeared and the liability of the petitioner was determined as Rs.19,85,332/- in 2018 itself by said commission which is to be refunded by the petitioner and due to non-refund, certificate proceeding has been initiated for realization of said amount.

In such view of the matter, this Court does not find any merit in this case and is accordingly dismissed.”

5. The writ petition is, accordingly, dismissed in light of the aforesaid judgment passed in a similar matter by the Hon’ble Division Bench of this Court in **Bhawesh Kumar Bhaskar (supra)**.

6. Interlocutory Application, if any, shall stands disposed of.

(G. Anupama Chakravarthy, J)

AMANDEEP/-

AFR/NAFR	NAFR
CAV DATE	N/A
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