

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3992 of 2017

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Ram Krishna Kumar Singh Son of late Maheshwar Prasad Singh Block Statistics Officer, Siwan Sadar, resident of Village Police Line, P.S Siwan Mufassil, District- Siwan at Present Mohalla- Brahmpur Kashi Bazar, P.S. Bhagwan Bazar, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Siwan
3. The District Manager, State Food Corporation, Patna.
4. The Additional Collector-Cum-Certificate Officer, Siwan.
5. The Incharge Certificate Officer, Siwan.
6. The Treasury Officer, Siwan.
7. The Block Development Officer, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Rajani Kumari, Adv.
For the BSFC	:	Mr. Shailendra Kr. Singh, Adv.
For the Respondent/s	:	Mr. S. Raza Ahmad- AAG5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 08-04-2025

1. The Writ petition is filed to quash the order dated 14.07.2016 vide Memo No. 62 passed by the Certificate Officer, Siwan, in Certificate Case No. 10 of 2015, whereby and whereunder the Certificate Officer directed the petitioner to deposit the defalcation amount of Rs. 18,10,435/-, out of which 30% of the amount, i.e., Rs. 3,10,715/-, was



deposited by the petitioner in Treasury, Siwan, through Demand Draft dated 04.03.2016, and further to direct the Block Development Officer, Siwan, not to take steps against the petitioner for depositing the rest of the amount with interest. Further, the prayer of the petitioner is that a criminal case has been instituted against him under Section 409 of the IPC for a scam of paddy by the District Manager Food Corporation, Siwan on 27.12.2013, in which, anticipatory bail was granted to the petitioner by this Court, and the petitioner is willing and ready to pay 30% of the alleged amount, within a period of six months. Further, to direct the petitioner to deposit the rest of the amount only after the disposal of the Criminal Case No. 25 of 2014.

2. It can be construed from the prayer portion of the Writ petition that the petitioner seeks direction from the Court, that he shall pay the balance amount only after the disposal of the Criminal case lodged against him. Admittedly, there is no bar for the respondents to initiate criminal proceedings and simultaneously, to initiate



certificate proceedings. It is a matter of fact to be decided by the authorities. It is an admitted fact that 30% of the amount i.e., Rs. 3,10,715/- has been deposited by the petitioner in the Treasury, Siwan, vide Demand Draft dated 04.03.2016 and the prayer is sought for directing the Development Officer not to take any steps against the petitioner, till the disposal of criminal case lodged against him.

3. A detailed counter affidavit has been filed by the respondents, which disclose that the petitioner was appointed as In-charge of Purchase Center by the District Magistrate, Siwan, in addition to his work as Prakhanda Statics Officer, and he took charge of the purchase center. Further, the petitioner received a total of 49,424.70 quintals of paddy, out of which he handed over only 48,099.48 quintals to different authorized millers. But the rest of the paddy, i.e., 1325.22 quintals, was alleged to be sold in black market for illegal gain, for which the C.M.R. comes to 888-23-240, i.e., 67% of said paddy, amounting to Rs. 16,90,421.73/-. The Corporation directed the petitioner to deposit the amount for the



shortage of paddy, but in spite of repeated reminders, the petitioner did not take any steps. Ultimately, the Corporation was constrained to lodge an FIR against the petitioner on 29.01.2014 in connection with Siwan Muffasil P.S. Case No. 25 of 2014. Further, the respondents have also furnished the Memo of charges under Prapatra (K) to the petitioner, and the said matter is still pending. Due to non-payment of dues, a Certificate Case No. 10/2013-2014 was also initiated for recovery of Rs. 18,10,435/- along with interest. In compliance of the order dated 14.09.2015, the petitioner has deposited 30% of the defalcated amount of Rs. 16,90,421.73 and later filed the present Writ petition for quashing the order dated 14.07.2016. The counter affidavit further disclose that Section 6 and 9 of the Bihar Certificate Manual clearly state that the certificate debtor may file a petition within 30 days from the service of notice, denying the liability, but in spite of valid service of notice, the petitioner has not filed any objection.



4. Admittedly, the petitioner is before the Court, challenging the enter departmental proceeding, in order to avoid the certificate proceeding. The final order has not been passed by the authorities, as objections were not preferred by the petitioner. The petitioner has a right to file a detailed objection under Section 9 of the Bihar Certificate Manual. Therefore, this Court directs the petitioner to avail his remedy before appropriate authority by way of filing objections under Section 9 of the Bihar Certificate Manual Act within a month from the date of receipt of this order, and pursuant thereto, the authorities shall pass an order within two months from the date of filing of the objection.

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

(G. Anupama Chakravarthy, J)

Amandeep/-

AFR/NAFR	NAFR
CAV DATE	N/A
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