

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12160 of 2017

Shivraj Bahadur Sinha Son of Late Gauri Shankar Prasad resident of village Jaiber P.O. Nadghat, P.S. Gaurichak, District- Patna- 7 the then Block Co-operative Extension Officer, cum in charge sale Centre, Sonbarsa, Block, Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Bihar State Food and Civil Supply Corporation through its Managing Director, Patna.
3. The District Magistrate, Sitamarhi.
4. The District Manager, Bihar State Food and Civil Supply Corporation, Sitamarhi.
5. The Circle Officer cum enforcement officer Sonbarsa Block, Sitamarhi.
6. The Certificate Officer of the District Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bharat Bhushan, Adv.
For the Respondent/s : Mr.A. Ujjwal - SC4

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 08-09-2025

1. The petitioner has filed the Writ petition for the following reliefs:

“For issuance of appropriate writ/order/direction in the nature of Writ of Certiorari, to quash the entire proceeding of the Certificate Case No. 14/15-16 (Annexure-3 series) whereby and whereunder the respondent authority has initiated certificate proceeding for realization of money by



way of the instant Certificate case of Rs. 2,54,91,004.70/- for the allegation that the petitioner and his executive Assistant in the year 2013-14 received 50245.20 quintal paddy crops and out of which 34455.43 quintal sent to the mill and remaining 15789.77 quintals of paddy was not sent to mill. Thus, it was defalcated by the both staff, whereas by the Memo No. 140, dated 28.01.2015, the District Magistrate found that in the year 2013-2014 at Sonebarsha sale centre 15468.70 quintals of paddy crop was left, which was not sent to the mill and also stated that the quality of the paddy crop has deteriorated, thus there is no question of any defalcation of paddy crop on the part of petitioner which are still available in the sale centre. Thus the respondent authority has fastened the guilt to the petitioner of his own fault. Hence, without any enquiry and concrete finding of the losses on the part of this petitioner, initiation of the Certificate Case is not maintainable in the eye of law."

2. At the outset, the Learned counsel for



the petitioner seeks indulgence of this Court to grant liberty to file fresh objections under Section 9 of the Bihar and Orissa Public Demands Recovery Act, 1914, and direct the authority to pass necessary orders duly taking into account the objections filed by the petitioner.

3. The Learned counsel for the respondents submitted that he has no objection, if a direction is given to the concerned authority to pass necessary orders under Section 10 of the Act duly taking into account the objections filed by the petitioner.

4. Having regard to the above made submissions, without going into the merits or demerits of the case, the present writ petition is disposed of granting liberty to the petitioner to file objections under Section 9 before the concerned authority within a period of four weeks from the date of receipt of this order. On such objections being filed, the authority concerned shall pass necessary orders under Section 10 of the Act.

5. It is needless to mention that before



passing any order, the authority concerned shall give an opportunity of hearing to the petitioner. Any order passed shall be communicated to the petitioner. The entire exercise shall be completed as expeditiously as possible preferably within a period of three months from the date of filing of the objections by the petitioner.

6. Till the passing of the final order by the Certificate Officer, it is directed that no coercive steps shall be taken against the petitioner herein.

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

(G. Anupama Chakravarthy, J)

AMANDEEP/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10.09.2025
Transmission Date	

