

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12373 of 2017

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Rahul Kumar Son of Shambhu Prasad, Resident of Village-Manik Chawk, P.s. Runnisaidpur, District-Sitamarhi, at Present Posted as Executive Assistant, Purchase Centre, Sonbarsa, B.S.F.C., Siramarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary Food, Supply and Consumer Protection Department, Govt. of Bihar, Patna
2. The Managing Director, Bihar State Food Corporation, Patna.
3. The District Magistrate, Sitamarhi.
4. The District Certificate Officer, Sitamarhi
5. The District Manager, B.S.F.C., Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Verma
For the BSFC	:	Mr.Shailendra Kumar Singh
	:	Mr.Utkarsha Utpal
For the Respondent/s	:	Mr.S.Raza Ahmad -AAG- 5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 03-09-2025

1. The writ petition is filed for quashing the order dated 03.07.2017 passed by the District Certificate Officer, Sitamarhi in certificate Case no. 8/15-16 whereby and whereunder the Authority has held the petitioner liable for half amount i.e. Rs. 28,51,473.62 and directed the petitioner to deposit the said amount within one week. Further, for direction for the calculation of interest on the said



amount and deposit of the same as well as for quashing of the warrant of execution dated 11.7.17, issued by the District Certificate Officer, Sitamarhi against the petitioner in connection with the Certificate Case No. 8/15-16 as the entire proceeding against the petitioner is illegal, perverse and without jurisdiction.

2. On 16.10.2017, this Court has passed a detailed oral order which reads as follows:-

“Heard learned counsel for the petitioner and learned counsel for the BSFC.

The petitioner is a contractual employee engaged for the procurement of the paddy. As per learned counsel for the petitioner demand was made under PDS Act cannot be said to be public demand whereas learned counsel for the BSFC submits that there is an agreement between the petitioner and BSFC that any loss or damage will be recoverable as public demand.



Learned counsel for the BSFC is directed to produce the agreement.

Let this case be listed two weeks after Diwali Holidays under the same heading.

In the meantime, no coercive action will be taken against the petitioner.”

3. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondent.

4. During the course of argument, the Learned counsel for the petitioner submitted that an objection under Section 9 of the Bihar and Orissa Public Demands Recovery Act, 1914, Act (for the sake of brevity ‘the Act’) had been filed before the District Certificate Officer, but the same is still pending, and no final order are passed by the District Certificate Officer, under Section 10 of the Act. Accordingly, the petitioner prayed for a direction to the District Certificate Officer to pass an appropriate



order under Section 10 of the Act, after considering the objections filed by him.

5. On the other hand, the Learned counsel for the State as well as BSFC have reported to this Court that Annexure-5 is the detailed order passed by the District Certificate Officer, under Section 10 of the PDR Act. Therefore, the question of issuing a direction to the District Certificate Officer to pass an order under Section 10 of the Act does not arise.

6. On perusal of the relief sought and the contents of the writ petition, it is evident that the petitioner has submitted objection under Section 9 of the Act. However, since an order has already been passed u/s 10 of the Act, the petitioner has an effective alternative remedy available to challenge the same by way of an appeal.

7. In view of the above facts, and considering the availability of an alternative remedy, the writ petition is disposed of with a direction to the petitioner to prefer an appeal, within a period of four weeks from the date of receipt of this order before the concerned authority. Any delay in filing the



appeal shall be condoned by the concerned authority. The authority is further directed to dispose of the appeal within a period of three months from the date of filing the appeal.

8. With the aforesaid observations, the writ petition stands disposed of.

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

(G. Anupama Chakravarthy, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.09.2025
Transmission Date	

