



2025:PATHC:92513

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18813 of 2018

Ram Niwas Singh S/o Late Sheo Pujan Singh R/o Village - Sonpa Gram
Panchayat - Jalalpur, P.S. - Rajpur, District - Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Rural Development Department, Patna
2. The Principal Secretary, Rural Development Department, Government of Bihar, Patna.
3. The District Magistrate, Buxar.
4. The Director, Account, Administration and Self Employment, District Rural Development Officer, Chausa, District Buxar
5. The Block Development Officer, Chausa, District - Buxar.
6. The District Certificate Officer, Buxar, Distt - Buxar.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 18873 of 2018

Dhirendra Kumar Sanik S/o Late Shambhu Prasad, R/o Village-Nayi Bazar,
P.S.-Buxar Muffasil, District-Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Patna
2. The Principal Secretary, Rural Development Department, Government of Bihar, Patna.
3. The District Magistrate, Buxar.
4. The Director Account, Administration and Self Employment, District Rural development Officer, Chausa, District-Buxar.
5. The Block Development Officer, Chausa, District-Buxar.
6. The District Certificate Officer, Buxar.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 18890 of 2018

Nazma Khatoon W/o Asjraf Hussain R/o Village-Chausa, P.S.-Buxar
Muffasil, District-Buxar.

... .. Petitioner/s





Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Patna
2. The Principal Secretary, Rural Development Department, Government of Bihar, Patna.
3. The District Magistrate, Buxar.
4. The Director Account, Administration and Self Employment, District Rural Development Officer, Chausa, District Buxar
5. The Block Development Officer, Chausa, District-Buxar.
6. The District Certificate Officer, Buxar.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 18909 of 2018

Usha Devi W/o Amala Ram R/o Village - Gauri, P.S. Rajpur, District - Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Patna
2. The Principal Secretary, Rural Development Department, Government of Bihar, Patna.
3. The District Magistrate, Buxar.
4. The Director, Account, Administration and Self Employment, District Rural Development Officer, Chausa, District Buxar
5. The Block Development Officer, Chausa, District - Buxar.
6. The District Certificate Officer, Buxar.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 18933 of 2018

Shailendra Kumar Choubey S/o Late Ramyas Choubey, resident of Village-Bhasur, P.S. Dinara, District- Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar The State of Bihar through the Principal Secretary, Rural Development Department, Patna
2. The Principal Secretary, Rural Development Department, Government of Bihar, Patna.
3. The District Magistrate, Buxar.
4. The Director, Account, Administration and Self Employment, District Rural





Development Officer, Chausa, District Buxar

5. The Block Development Officer, Chausa, District- Buxar.
6. The District Certificate Officer, Buxar.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 18935 of 2018

Siya Ram Chaudhary S/o Late Nageshwar Prasad Chaudhary, R/o Village- Narbatpur, P.S. Buxar Muffasil, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Patna
2. The Principal Secretary, Rural Development Department, Government of Bihar, Patna.
3. The District Magistrate, Buxar.
4. The Director, Account, Administration and Self Employment, District Rural Development Officer, Chausa, District Buxar
5. The Block Development Officer, Chausa, District- Buxar.
6. The District Certificate Officer, Buxar.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 19053 of 2018

Sunita Devi W/o Bishnu Singh Yadav, R/o Village- Akhripur Gola, P.S.- Buxar Muffasil, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Patna
2. The Principal Secretary, Rural Development Department, Government of Bihar, Patna.
3. The District Magistrate, Buxar.
5. The Block Development Officer, Chausa, District- Buxar.
6. The District Certificate Officer, Buxar.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 19092 of 2018





Subhash Prasad Gupta S/o late Bishwa Nath Sah R/o Village- Etadhi, P.S.
Etadhi, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Patna
2. The Principal Secretary, Rural Development Department, Government of Bihar, Patna.
3. The District Magistrate, Buxar.
4. The Director Account, Administration and Self Employment, District Rural Development Officer, Chausa, District Buxar
5. The Block Development Officer, Chausa , District- Buxar.
6. The District Certificate Officer, Buxar.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 18813 of 2018)

For the Petitioner/s : Mr. Chhote Lal Mishra, Advocate

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

(In Civil Writ Jurisdiction Case No. 18873 of 2018)

For the Petitioner/s : Mr. Chhote Lal Mishra, Advocate

For the Respondent/s : Mr. Vinay Kriti Singh -GA 2

(In Civil Writ Jurisdiction Case No. 18890 of 2018)

For the Petitioner/s : Mr. Chhote Lal Mishra

For the Respondent/s : Mr. Sumeet Kumar Singh-AC to GA2

(In Civil Writ Jurisdiction Case No. 18909 of 2018)

For the Petitioner/s : Mr.Chhote Lal Mishra, Advocate

For the Respondent/s : Mr. Anjani Kumar -AAG 4

(In Civil Writ Jurisdiction Case No. 18933 of 2018)

For the Petitioner/s : Mr. Chhote Lal Mishra, Advocate

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

(In Civil Writ Jurisdiction Case No. 18935 of 2018)

For the Petitioner/s : Mr. Chhote Lal Mishra, Advocate

For the Respondent/s : Mr. Vikash Kumar, SC11

(In Civil Writ Jurisdiction Case No. 19053 of 2018)

For the Petitioner/s : M/s Chhote Lal Mishra

Binod Murari Mishra, Advocates

For the Respondent/s : Mr. Sudhir Kumar Upadhyay, AC to GP 7

(In Civil Writ Jurisdiction Case No. 19092 of 2018)

For the Petitioner/s : M/s Chhote Lal Mishra

Binod Murari Mishra, Advocates

For the Respondent/s : Mr. Sudhanshu Bhushan, AC to GP 7

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 13-10-2025





1. As identical issues are involved in all the Writ applications, they were heard and considered together and as such common order is being passed.

2. It is relevant to mention here that in all the aforesaid Writ petitions, the relief prayed for are same and similar hence, for better appreciation of the case, the reliefs prayed for by one of the petitioners are quoted herein below:

3. The petitioner(s) of all the Writ petitions have filed the present Writ petition(s) for the following reliefs:

"For quashing the memo No. 13-0229 dated 28.8.2018 issued under the signature of District Certificate Officer, Buxar whereby and where under the petitioner have been directed to deposit the certificate amount mentioned in the said memo in two instalments by 26.9.2018 in the office of the Block Development officer Chausa. It is further directed that in the event of non-payment of the aforesaid amount the officer in charge of concerned police station will insure the enforcement of warrant already issued till 28.9.2018."





4. At the very outset, Learned counsel for the petitioners contended that since these matters are squarely covered under the order passed by a Co-ordinate Bench of this Court in **C.W.J.C. No. 966 of 2025 (Anant Prasad Sahu Vs. The State of Bihar & Ors)**, these Writ petitions may also be disposed of on the same terms and conditions.

5. Heard the Learned counsel for the petitioners as well as the Learned counsel for the respondents.

6. In **Anant Prasad Sahu (supra)** this Court has held as follows:

“9. This Hon’ble Court in the case of The Certificate Officer of Siwan Central Co-operative Bank Vs. The State of Bihar & Ors. has held as under:-

“6. It is noticed by us that the action of the appellant for the recovery of the alleged amount of defalcation under the provisions of the Bihar Public Demands Recovery Act cannot be justified in absence of any due and payable amount to the Bank in terms of the provision of the agreement or under the





provisions of the aforesaid Acts. The observations made by the learned Single Judge in latter part in paragraph 4 of the impugned judgment are quite weighty and cannot be dislodged in course of the submissions before us.

7. A certificate proceeding contemplated under law proceeded on the premise that there is money due and payable either in terms of the agreement or contract or under the provisions of law. Mere an allegation of the Bank with regard to the defalcation by the employee in course of the period of his service would not tantamount “Ipso Facto” that the amount due was legally payable to the Bank by the person against whom such allegations are made. It is in this context, there would not arise any question of grant of a certificate and resultant recovery thereof under the provisions of the said Acts.

8. This Court in **M/s Murlidhar Sohanlal vs. State of Bihar & Ors., 1998(3) Patna Law Journal Reports 526**, had an occasion to deal with similar situation and upon evaluation of the relevant provisions of law and similar facts situation has held that the





Corporation, in the present case Bank, can avail the remedy of certificate proceeding treating it to be a public demand provided the person liable to pay the same has agreed by a written instrument that it shall be recoverable as a public demand. Apart from the fact that there is no such agreement and there is mere allegation of defalcation of the aforesaid amount by the employee of the Bank, the proposition of law enunciated in the said judgment in the said case by this Court, after examining and appreciating the provision of Section 9 read with Item No. 15 of Schedule I of Bihar and Orissa Public Demands Recovery Act, 1914, would directly cover the facts of the present case and, therefore, the appeal on hand is without any substance and merit and deserves to be dismissed at the threshold."

10. This Hon'ble Court in the case of **M/s Lal Chand Panna Lal & Ors. Vs. The State of Bihar** reported in **(2007) 4 PLJR 590** has held as under:-

"8. Section 65 sub-section (2) of the P.D.R. Act, 1914 provides: that the provisions of Limitation Act shall apply to all proceedings under this Act as if a





certificate filed hereunder were decree of a Civil Court. The limitation as provided is of three years. The requisition for initiating Certificate proceeding was filed on 9.9.2005 much beyond the period of limitation. Inspite of that the Certificate Officer has signed a Certificate under Section 6 of P.D.R. Act that recovery is not barred by any law. This objection raised by the petitioner has not been answered or denied specifically in the counter affidavit. The Certificate proceeding is apparently barred by limitation. If the statute has casted a duty upon the statutory authority to act in a particular manner, he must act in that manner only, and his act must be justifiable under the provisions of the Act. The applicability of the Limitation Act under the P.D.R. Act makes it obligatory for the Certificate Officer to verify before issuance of Certificate that the certificate proceeding is not barred by limitation.

9. Having regard to the above, the initiation of the certificate proceedings against the petitioner after a lapse of more than 14 years is barred by limitation and therefore, liable to be set aside and the same is accordingly set aside.”

11. A Division Bench of this





Hon'ble Court in the case of **Mahendra Prasad Jaiswal Vs. The State of Bihar & Ors** has held as under:-

"4. The grievance of the appellant in the writ petition challenging the certification proceedings was that the amount in question is disputed. Until and unless the quantification of the amount is not undertaken by resolving the dispute or adjudicating the dispute in accordance to law by an appropriate forum, may be a civil suit or a common law remedy available, the certification proceedings was not maintainable and the learned Writ Court in the present case having not adverted to consider this question of law, learned counsel argues that in relegating the appellant to take recourse to the statutory remedy available under the Act was unsustainable. He invites our attention to a judgment of the Supreme Court in the case of **Budha Singh Vs. The State of Bihar and Ors.- A.I.R. 1981 Pat 149** to say that until and unless the amount in dispute is not adjudicated, the certification proceedings are not maintainable.

5. Even though learned counsel for the respondents refuted the





aforesaid contention, we are of the considered view that while relegating the appellant to take recourse to the statutory alternate remedy available, the learned Writ Court has not considered the question as to whether the amount in question is a disputed amount or a non-disputed amount, whether the certification proceedings was maintainable without adjudication of the dispute and whether the Corporation was liable to recover the amount without resorting to any adjudicatory proceedings treating the amount to be an admitted amount beyond the realm of a disputed amount. This aspect of the matter having not been adverted to by the learned Writ Court, it is a fit case where this appeal should be allowed and the writ petition remanded back for reconsideration in accordance with law.”

12. Having regard to the above mentioned facts and circumstances and the law laid down by this Hon’ble Court in the above mentioned judgments, the recovery of the amount sought to be made from the petitioner is not only barred by limitation but it is to be noted that the said amount does not come





under any of the clauses mentioned in Schedule-I of the Act. Further, it is to be noted that the amounts that are sought to be recovered cannot be termed as public demand as there is no agreement between the parties admitting that the amounts are due and recoverable from the petitioner. It is also pertinent that that the amounts sought to be recovered from the petitioner have not been adjudicated and found to be recoverable by a competent Civil Court.

13. In view of the above, the initiation of the certificate proceedings against the petitioner are liable to be quashed and the same is accordingly quashed.

14. With the above directions, the present writ petition stands allowed to the extent indicated.”

7. Having regard to the submissions made by the parties, all the aforesaid writ petitions stands disposed of in terms of the aforesaid judgment passed in **Anant Prasad Sahu (supra)** and Memo No. 13-0229 dated 28.08.2018 issued under the signature of District Certificate Officer,





Buxar are hereby quashed and set aside.

8. Interlocutory Application(s), if any, shall
stands disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.10.2025
Transmission Date	

