

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21443 of 2012

Nagrik Adhikar Manch, Bihar Through its Settler, namely, Shiv Prakash Rai, Son of Late Nageshwar Rai, Resident of Village Gali No. 2, Dhobi Ghat, Charitrawan, District Buxar

.... Petitioner

Versus

1. The State of Bihar Through The Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Panchayati Raj Department, Govt. Of Bihar, Patna
3. The Principal Secretary, Vigilance Department, Govt. Of Bihar, Patna
4. The District Magistrate, Buxar
5. The District Magistrate, Bhojpur at Ara
6. The Superintendent Of Police, Buxar
7. The Superintendent Of Police, Bhojpur at Ara
8. District Magistrate, Vaishali at Hajipur
9. Superintendent Of Police, Vaishali at Hajipur
10. The Union Of India Through Home Secretary, Govt. Of India, New Delhi
11. The Director, C.B.I., New Delhi
12. The Secretary, Personnel and Training Department, Govt. of India, New Delhi

.... Respondents

with

Civil Writ Jurisdiction Case No. 12456 of 2013

Rajneesh Kumar, son of Birendra Singh, resident of Village –Tinery, PO Nadaul, PS Masaurhi, District Patna

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Director general of Police –cum- Inspector General of Police, Bihar, Patna
3. Inspector General of Police, Economic Offence Unit, Bihar, Patna
4. The Principal Secretary, Panchayati Raj Bibhag, Govt. of Bihar, Patna
5. The Director, Panchayati Raj Bibhag, Govt. of Bihar, Patna
6. The Commissioner, Patna Division, Patna
7. The District Magistrate, Patna, District Patna
8. The Deputy Development Commissioner –cum- Chief Executive Officer, Zila Parishad, Patna, District Patna
9. The Additional Chief Executive Officer, Zila Parishad, Patna, District Patna
10. The Sub Divisional Officer, Masaurhi, District Patna
11. The District Engineer, Zila Parishad, Patna, District Patna
12. The Block Development Officer, Masaurhi, District Patna

.... Respondents

Appearance :

(In CWJC No. 21443 of 2012)

For the Petitioner/s : M/s Dinu Kumar, Shiv Kumar Prabhakar,
Arvind Kumar Sharma. Rajesh Kumar Singh,
and Mayank Sharma
For the State : Mr. Lalit Kishore, Sr. Advocate, PAAG
Mr. Bishwa Bibhuti Kumar Singh
For Respondent no.11 : Mr. Bipin Bihari Sinha, SC, CBI
For Union of India : Mr. Awadhesh Kr. Pandey, SCGC
Mr. Ravinder Kumar Sharma, CG 2
For the C B I : Mr. Bipin Kumar Sinha

(In CWJC No. 12456 of 2013)

For the Petitioner/s : M/s Dinu Kumar, Shiv Kumar Prabhakar, and
Arvind Kumar Sharma
For the State : Mr. D K Sinha, Sr. Advocate, AAG 2
Mr. Alok Kumar Rahi, AC to AAG 2

For the Intervenor -Respondent/s : Mr.Shrawan Kumar, Sr. Advocate
Mr. Dinesh Maharaj
Mr. Bindhyachal Rai

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 23-02-2015

CWJC No. 21443 of 2012 is filed by a Non-Government Organization complaining that several irregularities have taken place in the matter of purchase of solar lights for utilization in the rural areas of the State of Bihar. The other writ petition being CWJC No. 12456 of 2013 is filed by an individual complaining about non-installation of solar lights and to provide regular solar lights to the villages of the Masaurhi Block including Tinery village in the district of Patna.

In the first writ petition, ever since 2013, this Court passed nearly 30 orders and all of them are detail in nature. The directions issued therein ranged from one causing enquiry into the matter to the institution of FIR and taking other steps in accordance with law.

Heard Sri Dinu Kumar, learned counsel for the petitioner, Sri Lalit Kishore, learned Principal Addl. Advocate General representing the State and Sri Shrawan Kumar, learned Sr. Advocate for the intervenor respondent.

The general allegation is made in the writ petitions to the effect that solar lights purchased by various Gram Panchayats in the State of Bihar are not upto the prescribed standard. In compliance with the order passed by this Court, enquiries are conducted and in certain cases FIRs were also lodged against some officers and elected representatives.

We are of the view that except that a general direction be issued to ensure that purchases are made in accordance with law, it is not at all possible to issue any specific direction such as institution of FIR or passing of orders for taking any penal actions. If such proceedings are initiated under compulsion through the Court the rights of the genuine persons are bound to suffer.

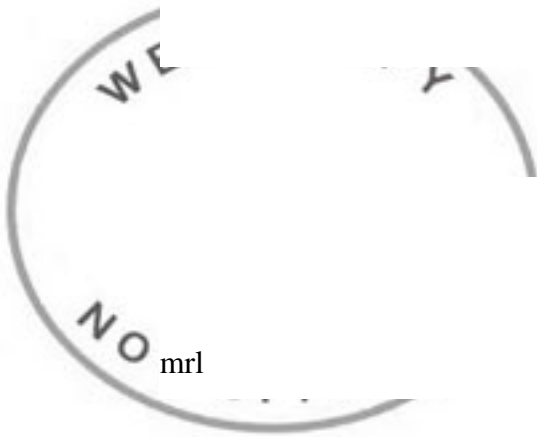
We, therefore, dispose of CWJC No. 21443 of 2012 directing that in the event of purchase of any solar lights turning to be not in accordance with law, necessary steps be taken strictly in accordance with law.

CWJC No. 12456 of 2013 is disposed of with a direction that steps must be taken for installation of solar lights of standard quality in the villages mentioned therein within a period of three months following the prescribed procedure, if not already installed.

We make it clear that whenever action is taken, it shall be tested on its own merits unimpressed by any observations made by this Court at any stage.

Both the writ petitions are disposed of with the above

observations.



(L. Narasimha Reddy,CJ)

(Vikash Jain, J)

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