

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13377 of 2015

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Arun Sharma, S/o- Late Indradev Prasad Singh, resident of Village
- Chicheura, P.S. - Konch, District – Gaya.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar,
Patna.
2. The Principal Secretary Science & Technology Department,
Govt. of Bihar, Patna.
3. The Director Science & Technology Department, Govt. of Bihar,
Patna.
4. The Additional Secretary Science & Technology Department,
Govt. of Bihar, Patna.
5. Dr. Rajendra Prasad Singh, S/o - Late Yadunandan Singh,
resident of Village - Mauari, P.S. - Haspura, District – Aurangabad,
presently posted as Assistant Professor, Department of Physics,
Muzafferpur Institute of Technology, Muzafferpur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Y.V. Giri, Sr. Counsel
Mr. Mukesh Kumar-No.1, Advocate

For the State : Mr. P.K. Verma, AAG-5
Mr. Mankeshwar Tiwari, AC to AAG-5

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

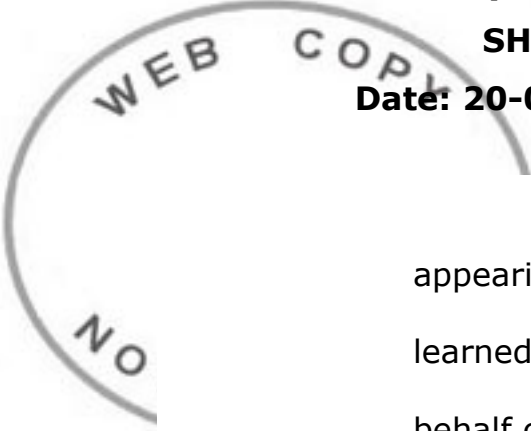
And

**HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT

**(Per: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH)**

Date: 20-01-2016



Heard Mr. Y.V. Giri, learned senior Counsel, appearing on behalf of the petitioner, and Mr. P.K. Verma, learned Additional Advocate General No.-5, appearing on behalf of the State.

2. The petitioner in the present application, filed in the nature of Public Interest Litigation, under Article 226 of the Constitution of India, seeks direction to the State-respondents to take appropriate action against respondent No.5 for defalcation of public money, as revealed in the audit report submitted in the year 2014-2015, pertaining to the period 1992 to 1994, when respondent No.5 was posted as In-charge Principal of Muzafferpur Institute of Technology, Muzafferpur.

3. A counter affidavit has been filed, on behalf of the respondents-State of Bihar (respondent Nos.2 and 4 to 6), stating therein that a departmental proceeding has been initiated against respondent No.5 and the Enquiry Officer has already submitted his report.

4. It is the grievance of the petitioner that despite submission of the enquiry report and the audit report, the respondents are not taking appropriate action against

respondent No.5.

5. In view of the stand taken on behalf of the respondents-State of Bihar that the competent authority shall be taking the decision on the enquiry report, this proceeding is closed with a direction to the respondent No.2, the Principal Secretary, Science and Technology Department, Government of Bihar, Patna, to ensure that appropriate action is taken on the basis of the enquiry report submitted by the Enquiry Officer in the departmental proceeding as also the audit report, within a maximum period of three months from today. It is made clear that we have not gone into the correctness, veracity or otherwise of the allegations made against respondent No.5 and no observation, made in the present order, should be treated to be opinion of this Court on the merits of such allegation.

6. The application stands disposed of with the direction and observation, as above.

(I. A. Ansari, ACJ.)

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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