



IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13824 of 2015

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1. Anuj Kumar Savera, Son of Sri Ramchandra Prasad, resident of village - Pasraila, P.S. - Rajauli, District – Nawada.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Welfare Department, Govt. of Bihar, Patna.
2. The Secretary, Schedule Caste and Schedule Tribes, Welfare Department, Bihar, Patna.
3. The Director, Schedule Caste and Schedule Tribes, Welfare Department, Bihar, Patna.
4. The Divisional Commissioner, Gaya.
5. The District Magistrate, Nawada.
6. The Deputy Development Commissioner, Nawada.
7. Sri Dinesh Kumar Pandey, the District Welfare officer, Nawada.
8. Sri Jitendra Kumar, Nazir, District Welfare Branch, Nawada.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjay Prasad, Advocate

For the State : Mr. Anjani Kumar, AAG-6

Mr. Shailendra Kumar Singh, AC to AAG-6

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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. Sanjay Prasad, learned Counsel, appearing on behalf of the petitioner, and Mr. Anjani Kumar, learned Additional Advocate General No.6, appearing on behalf of the respondents-State of Bihar.

2. The application, in the nature of Public Interest Litigation, has been filed, under Article 226 of the Constitution of India, pointing out certain irregularities committed by the District Welfare Officer, Nawada, Sri Dinesh Kumar Pandey and Nazir, District Welfare Branch, Nawada, Sri Jitendra Kumar (respondent Nos.7 and 8 respectively), inasmuch as allegation has been made against them that they have defalcated public money to the tune of Rs.1,03,27,400/-, which was required to be distributed amongst the Scheduled Castes and Scheduled Tribes students in the district of Nawada.

3. In support of this plea, reliance has been placed by learned Counsel, appearing on behalf of the petitioner, upon a report, dated 10.07.2015, submitted by Deputy Development Commissioner, Nawada, addressed to the District Magistrate, Nawada, which has been brought on

record by way of Annexure-7 to the application.

4. A counter affidavit has been filed on behalf of the Secretary, Scheduled Castes and Scheduled Tribes, Welfare Department, Bihar, Patna, and the Director, Scheduled Castes and Scheduled Tribes, Welfare Department, Bihar, Patna (respondent Nos.2 and 3 respectively), stating therein that an explanation was sought for from the District Welfare Officer, Nawada, on 30.07.2015, and he has submitted his response thereto. It has been stated in the counter affidavit that upon receipt of the explanation, a Committee has been constituted for the purpose of scrutinizing records and verification of the students and institutions in order to ascertain as to whether the said amount has been distributed amongst the beneficiaries or not. It has further stated that once a report is received from the Two-Member Committee, so constituted, the respondents shall take further action.

5. In view of the averments made in the counter affidavit filed on behalf of the respondent Nos.2 and 3, we dispose of the present writ application with a direction to the respondent No.2, i.e., the Secretary, Scheduled Castes and Scheduled Tribes, Welfare Department, Bihar, Patna, to ensure that the Committee, so constituted, submits its report as expeditiously as possible, preferably,

within a period of three months from today, and appropriate action is taken in accordance with law, if required, against the concerned persons, immediately thereafter.

6. This 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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