IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19971 of 2016

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Prakash Kumar Jha Son of Late Shyamanand Jha, Resident of Village & P.O.- Ghoghardiha, District- Madhubani.

... ... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Finance, Bihar, Patna.
3. The Commissioner, Darbhanga Division, Darbhanga.
4. The District Magistrate, Madhubani.
5. The Sub- Divisional Officer, Phulparas Sub- Division, District- Madhubani.
6. The Chairman, Nagar Panchayat Ghoghardiha, Madhubani.
7. The Executive Officer, Nagar Panchayat Ghoghardiha, Madhubani.
8. The Accountant General, Bihar, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Adv
For the State	:	Mr. Pushkar Nr. Shahi, AAG-6
		Mr. Dhirendra Kumar, AC to AAG-6
For Respondent No. 8	:	Mr. Anjani Kumar Sharan, Adv
For the Board	:	Mr. Shailendra Kumar Dwivedi, Adv

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CORAM: HONOURABLE THE CHIEF JUSTICE
And
HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 17-09-2018

1. The petitioner who has styled himself as a social worker and a R.T.I activist, has by way of the present

public interest petition, sought direction to the respondents to constitute an Enquiry Committee to look into the misuse of public money by the functionaries of the Nagar Panchayat of Ghoghardiha, Madhubani.

2. The fiscal irregularities are said to have been committed in *"Pradhanmantri Awas Yojna"* and the aforesaid facts could be unearthed on the audit of Nagar Panchayat Ghoghardiha by the State Auditor. The audit report sets out in detail the instances of financial bungling/irregularities. Despite the public petition before the concerned authorities, no action was taken, thus goading the petitioner to prefer the present petition in public interest.

3. Pursuant to the orders of this Court seeking the response of the respondents regarding the action taken on the basis of audit report supplied by the Office of the Accountant General, Patna, an enquiry was directed by the Divisional Commissioner, Darbhanga and the Three Members' Committee concluded its enquiry and

submitted its report to the State Government.

4. This court, vide order dated 02.04.2018, wanted to know the outcome of the enquiry as well as the action taken on the report of the aforesaid enquiry. In pursuance thereof, it has been submitted by the respondents that the Director, Municipal Administration-cum-Special Secretary, Urban Development and Housing Department, Bihar has directed the Executive Officer, Nagar Panchayat, Ghoghardiha, Madhubani to take appropriate action against the erring employees. By letter dated 28.08.2018, it has been submitted, a further communication has been made by the Director, Municipal Administration to the General Manager, S.B.I., Zonal Office, Patna to take appropriate action against the Branch Manager, S.B.I., Ghoghardiha Branch whose conduct also was castigated in the report. A recommendation has been made to the Principal Secretary, General Administration Department as well as the Principal Secretary, Revenue and Land Reforms

Department for initiating departmental proceedings against the D.C.L.R., Ghoghardiha, who was then posted as Executive Officer, Nagar Panchayat, Ghoghardiha and Vijay Kumar, Circle Officer, Ghoghardiha, who was then posted as Executive Officer, Nagar Panchayat, Ghoghardiha.

5. The memo of charge against the aforesaid two Officers have been framed which have been brought on record by way of counter affidavit.

6. A show cause also has been issued to the members of the previous Enquiry Committee by the District Magistrate, Madhubani for their negligence in the matter and a request has been made by the District Magistrate, Madhubani to the Department of Urban Development and Housing, Government of Bihar to expeditiously take action against such employees/officers against whom adverse comments have been made in the audit report.

7. Thus, we find and are satisfied that necessary

action has been taken with regard to the bungling/irregularity which was found by the State Auditor.

8. However, it is directed that the proceedings initiated against the erring officials be concluded preferably within a period of three months.

9. With the aforesaid direction/observation, the writ petition is disposed of.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20/-9/2018
Transmission Date	