

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12977 of 2017

Shiv Prakash Rai, Son of Late Nageshwar Rai, R/o Mohalla-Gali no.2,
Dobhighat Charitarwan, Buxar, P.S. Buxar, District-Buxar, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
4. The Principal Secretary, Education Department, Government of Bihar, Patna.
5. The Bihar State Text Book Publishing Corporation Limited, Pathya Pustak Bhavan Budh Marg, Patna-I, through its Managing Director
6. Managing Director, Bihar State Text Book Publishing Corporation Limited, Pathya Pustak Bhawan, Budh Marg Patna-1
7. Secretary Bihar State Text Book Publishing Corporation Limited, Pathya Pustak Bhawan, Budh Marg, Patna-1.
8. Union of India through Secretary Education Department, New Delhi.
9. Secretary, Department of Personal Training Central Government of India, New Delhi.
10. Director Central Bureau of Investigation, New delhi.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 8250 of 2017

Anand Kaushal Singh, S/o Sri Abhay Kumar Singh, R/o Village- Giddhaur,
P.S.- Giddhaur, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The Director, State Education Project Council, Bihar Rajendra Nagar, Patna.
5. 5. The Bihar State Text Book Publishing Corporation Limited through its Managing Director.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Advocate Mr. Arvind Kumar Sharma, Advocate Ms. Ritika Rani, Advocate Ms. Kumari Neha, Advocate Mr. Vijay Kumar Vimal, Advocate Mr. Mrityunjay Kumar, Advocate
For the State	:	Mr. Lalit Kishore, Advocate General Mr. Ashutosh Ranjan Pandey, AAG-15



For the BEPC	:	Mr. Girijish Kumar, Advocate
For the B.T.B.C.	:	Mr. Sandeep Kumar, Advocate
For Respondent No. 8,9	:	Mr. S.D. Sanjay, Addl. S.G.
		Mr. Anshuman Singh, C.G.C.
For the Respondent/s	:	Mr. Ashutosh Ranjan Pandey- Aag15

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 06-04-2018

Both these writ petitions have been filed making a grievance that in the matter of supply of text book to students, which is a statutory requirement under the Right to Education Act, various irregularities have been committed and seeking an inquiry by the Central Bureau of Investigation and lodging of F.I.R. with regard to misappropriation of funds in Government money in the matter of supply of text books by the authorities of the State Government and the Bihar State Text Book Publishing Corporation Ltd., this writ petition has been filed.

While hearing the matter at the stage of admission on 18.09.2017 itself, we had directed the Advocate General to file a report with regard to the action taken within four weeks except with regard to the prayer for conducting a C.B.I. inquiry.

As far as C.B.I. inquiry into the matter or inquiry into the illegalities committed is concerned, the allegations are against the officials of the State and a statutory corporation and the petitioners have a statutory remedy of approaching the



Lokayukta under the statute by filing a detailed complaint in the statutory form and when a statutory system for inquiry is in place, in a writ petition, this Court does not deem it appropriate to direct for conducting a C.B.I. inquiry, particularly in view of the law laid down by the Supreme Court in the case of **State of West Bengal & others Vs. Committee For Protection of Democratic Rights, West Bengal & Others- (2010) 3 SCC 571**. The ingredients necessary for causing an inquiry by the Central Bureau of Investigation, as laid down by the Supreme Court in the case of **State of West Bengal** (supra) is not made out and, therefore, with regard to the inquiry in question, we grant liberty to the petitioners to file a statutory complaint before the statutory Vigilance Authorities of the State Government.

As far as the complaint with regard to the Text Book Corporation not being able to supply the books to the students in time, problem with regard to the printing of the books, non-availability of paper and various other issues are concerned, we had directed the State Government to look into this aspect of the matter and ensure that the students receive the books well before commencement of the academic session. In pursuance thereto, we are informed vide counter affidavit filed



on 28.03.2018 by the competent authority of the State Government that a committee was constituted to look into the matter and in view of the Direct Benefit Transfer Scheme formulated, it has been decided that appropriate amount, equal to the amount required for purchase of text book to students studying in Class-I to VIII in the entire State, shall be transferred to their account or their guardian's account in accordance to the Bihar Education Project and in Paragraph 7 of the counter affidavit the following methods have been indicated based on the recommendation of the Committee dated 21.03.2018 (Annexure-A).

“7. That briefly stating the modalities decided by the three man committee so constituted for ensuring availability of text books is as follows:

- (a) That in view of the Direct Benefit Transfer Scheme (DBT), so far as it relates to making availability to text books to the students, decision has been taken that appropriate amount to the students studying in Class 1 to 8 is to be made available/transferred to all the districts are proposed to be sent to be transferred in the account of eligible individual students by the



Bihar Education Project in the First fortnight of the commencement of the academic session 2018-19 for the purpose of buying text books.

- (b) That for the academic Session 2018-19 the Bihar Education Project has sufficient funds for the said DBT and the same is ready to be transferred at the beginning of the academic session 2018-19 in the account of eligible students.
- (c) That even the Government of India by D.O. No. 20-5/2017-EE-17 dated 09.03.2018 has approved the proposal for disbursement of text books fund under SSA, into student bank account through DBT.
- (d) That decision has also been taken that the Expression of interest meant for empanelment of Printers and publishers for printing of text books under SSA, for which advertisement had earlier been issued by the State Government through the Bihar State Text Book Published Corporation Limited in



December, 2017 (28.12.2017), the said process of empanelment of printers and publishers is to be positively finalized by the end of March, 2018 so as to proceed with the printing Job of the required text books.

- (e) Accordingly the printers/publishers finally selected would be required to make available the required text books on block/district/Division wise basis.
- (f) In addition to those the committee has also decided for regular monitoring of ensuring availability of the text books to the children and also that the required amount is made available to the children concerned.”

Keeping in view the aforesaid, now the State Government and the competent authorities are directed to ensure that the scheme recommended by the Committee and accepted by the Government is brought into place and from the current academic session the students studying in Class I to VIII receive the benefit of the aforesaid scheme with regard to purchase of text books.



With the aforesaid, the petitions stand disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	12.04.2018
Transmission Date	

