

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2735 of 2016

=====

Nagrik Adhikar Manch through its Executive Member namely Ranjeet Pandit,
Son of Parsuram Pandit Resident of Village- Gajipur, P.s Ufroul Via-Dehri,
District Vaishali at Hajipur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Chief Secretary , Govt. of Bihar, Patna.
3. The Principal Secretary Home, Police , Department , Government of Bihar, Patna.
4. The Deputy Secretary to the Government Home, Police Department , Government of Bihar, Patna.
5. The Director General of Police, Bihar, Patna.
6. The Principal Secretary, Panchayat Raj Department , Government of Bihar.
7. The Union Government of India through Secretary, Home Department , Government of India , New Delhi.
8. The Secretary, Home Department , Government of Bihar.
9. The Principal Secretary , Panchayati Raj Department Government of Bihar, Patna.
10. The Director, Panchayati Raj Department Government of Bihar, Patna.
11. The Director , Central Bureau of Investigation , New Delhi.
12. The Accountant General Bihar Virchand Patel Path, Patna.

... .. Respondent/s

=====

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Adv & Mr. Rajesh Kumar Singh, Adv
For the respondents	:	Mr. Lalit Kishore- Ag, Mr. Ram Anurag Singh (CGC), Mr. Raghwanand, Adv, Mr. Bipin Kumar Sinha, Adv, Mr. Sanjay Kumar Tiwari, Adv, Mr S.D Sanjay, Sr. Adv

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 01-12-2020

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“(I) For direction to Director, Central bureau of



Investigatoin (CBI) to investigate in to financial irregularity, defalcation, misuse of public money, misappropriation, amounting Rs. 91,8466,91,997/-(Nine Thousand One Hundred Eighty Four Crore Sixty Six Lac Nenety One Thousand Nine Hundred Ninety Seven Only) in not submitting utilization certificate for the financial year 2010-11 to 2014-15 by State Official of Panchayati Raj Department and concerned State officials and recipients of the aid-in-grant.

(II) Also for directing to the respondents specially Director, CBI to enquire into the role attributed by Chief Minister, State of Bihar, Finance Minister, State of Bihar, Chief Secretary, Govetnment of Bihar, Principal Secretary, Finance Department, Government of Bihar and State officials and Principal Secretary, Panchayati Raj Department who are responsible for not submitting utilization certificate amounting Rs. 91,84,66,91,997/- (Nine Thousand One Hundred Eighty Four Crore Sixty Six Lac Ninety One Thousand Nine Hundred Ninety Seven Only) for the period 2010-11 to 2014-15 within 18 months from the date of receipt of grant-in-aid resulting financial irregularity, misappropriation, defalcation, misuse of the public money amount Rs. 91,84,66,91,997/-(Nine Thousand One Hundred Eighty Four Crore Sixty Six Lac Ninety One thousand Nine Hundred Ninety Seven Only.)

(III). For direction to the State Authority to initiate proceeding under Bihar and Orissa Public Demand Recovery Act, 1914 to recover Rs. 91,84,66,91,997/-(Nine Thousand One Hundred Eighty Four Crore Sixty Six Lac Ninety One Thousand Nine Hundred Ninety Seven Only) from erring officials and the government servant, public servant, who are responsible for misappropriation, misuse of public money defalcation and financial irregularity in not submitting the utilization certificate even after expiry of more than 18 months which is mandatory to compensate loss of



government money Rs 91,84,66,91,997/- (Nine Thousand One Hundred Eighty Four Crore Sixty Six Lac Ninety One Thousand Hine Hundred Ninety Seven Only).”

This writ petition in nature of PIL has been filed for non submission of utilization certificate of Rs. 91,84,66,91,997/- (Nine Thousand One Hundred Eighty Four Crore Sixty Six Lac Ninety One Thousand Nine Hundred Ninety Seven Only) pertaining to financial year 2010-11 to 2014-15 of Panchayati Raj Department, Government of Bihar.

Counter affidavit has been filed on behalf of Accountant General, Bihar, in which it has been stated that as per circular issued by the Finance Department, Govt. of Bihar, dated 02.09.2015, 18 months time has been given to sanctioning authority for submission of utilization certificate to the office of Accountant General. As per records, Rs. 4857.78 Crores upto 30.04.2016 is outstanding against Panchayati Raj Department as on 30.11.2017. Huge amount has been adjusted against grant-in-aid disbursed by different departments of Govt. of Bihar.

Counter affidavit, has been filed on behalf of State of Bihar, in which it has been stated that utilization certificates are received in the department and thereafter it is sent to the Accountant General, Bihar for adjustment against the allotment. Allotment to the panchayats and getting utilization certificate is



a continuous process. Till 12.01.2018 only Rs. 4667.20 Crores was outstanding against the Panchayati Raj department for which utilization certificate has to be submitted.

State Government has taken various measures for submission of utilization certificate for allotment to the Accountant General, Bihar and every month continuous monitoring and review is being done at the level of Chief Secretary, Bihar, and Principal Secretary, Department of Finance, Govt. of Bihar as well as Panchayati Raj Department, who has deputed 85 Chartered Accountants for all Gram Panchayats to facilitate the work of audit so that utilization certificate is submitted in time. The Department of Finance has also taken stringent measures in order to make the departments to submit the utilization certificate within time.

In view of statement made in counter affidavit filed on behalf of Accountant General, Bihar, as well as State of Bihar, no purpose would be served in keeping the matter pending any further, accordingly, the writ petition is disposed of.

Liberty reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

Equally liberty reserved to the petitioner to approach



this Court, if the need so arises subsequently on the same and subsequent cause of action.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.03.2021
Transmission Date	NA

