

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24912 of 2019

1. Shayam Bihari Rai S/o Late Ramanuj Rai R/o Village and P.O.- Guljarpur, P.S.- Sahar, District- Bhojpur.
2. Sachchitanand Rai S/o Sri Radhey Shayam Rai R/o Village- Bansi Dehri, P.O.- Peur, P.S.- Sahar, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Chief Secretary, Bihar, Patna.
3. The Additional Chief Secretary, Irrigation Department, Bihar, Patna.
4. The Principal Secretary, Cabinet Vigilance Department, Bihar, Patna.
5. The Vigilance Investigation Bureau, Bihar, Patna through its Additional Director General, Bihar, Patna.
6. The Additional Director General, Vigilance Investigation Bureau, Bihar, Patna.
7. The Engineer-in-Chief, Irrigation Department, Bihar, Patna.
8. The Engineer-in-Chief, Technical Examination Cell, Irrigation Department, Bihar, Patna.
9. The Chief Engineer, Irrigation Department, Dehri-on-Sone, Rohtas.
10. The Superintending Engineer, Irrigation Circle, Bhojpur, Ara.
11. The Executive Engineer, Irrigation Department, Ara Division, Ara, Bhojpur.
12. Ratnesh Kumar, then Executive Engineer, Irrigation Department, Ara Division, Ara, Bhojpur, Presently posted as Executive Engineer, Irrigation Department, Sikandra Division, Jamui.
13. Ram Binay Singh, Then Assistant Engineer, Irrigation Department, Sahar Sub-Division, Bhojpur.
14. Dilip Singh, then Junior Engineer, Danwar Sub-Division, Irrigation Department, Rohtas.
15. Kshitij Kumar, then Junior Engineer, Piro Sub-Division, Irrigation Department, Bhojpur.
16. Upendra Prasad Sharma, then Junior Engineer, Ram Nagar Sub-Division, Jagdishpur, Bhojpur.
17. Sanjay Kumar Ram, then Junior Engineer, Sahar Sub-Division, Bhojpur.
18. Sumitesh Kumar, then Junior Engineer, Ram Nagar Sub-Division, Jagdishpur, Bhojpur.

... .. Respondent/s

Appearance :



For the Petitioner/s : Mr.Rakesh Narayansingh
For the Respondent/s : Mr.Vinay Kriti Singh (Ga2)

**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)**

Date : 11-12-2020

Petitioner has prayed for the following relief(s):

“That this writ application is being filed in the nature of public interest litigation against highly illegal, wrongful, arbitrary and corrupt conduct on the part of the respondents by which even though on the basis of complaint filed by the petitioner, vigilance conducted inquiry into the affairs of Sone Canal Division, Ara in Bhojpur and Rohtas districts and had found serious irregularity and illegality and defalcation of crores of rupees by public money by the respondent 2 sets in particular respondent no. 12 Ratnesh Kumar but despite report of vigilance contained in Annexure-3 the respondents officials of irrigation department and vigilance department are sitting over the matter, nor FIR has been instituted nor any attempt has been made for realization of defalcated public money from respondent 2 set



at the instance of high-ups sitting in power corridor.”

From the counter affidavit filed by the State, it is apparent that the allegations with regard to illegalities and irregularities committed by certain persons in connivance with the officers/officials is not in dispute. The officers of Sone Canal Division were required to undertake and supervise the work of construction of the main canal, Arrah. Progress report, Annexure-D, is indicative of the fact that the maintenance work is complete, but then irregularities are not denied. Para Nos.4 and 6 of the supplementary counter affidavit dated 27.02.2020 read as under:

4. That it is true that after getting the complaint from the local farmers and villages of the locality, the Vigilance Department conducted enquiry and submitted their report vide Letter No.1384 dated 4.04.19 to the Additional Chief Secretary. Water Resources Department and the said report was also sent to the Engineer-in-Chief Technical Examination Cell, Bihar, Patna and on the basis of the said report, the Department has taken action against the concerned persons and the 8 (eight) guilty persons were suspended from their service and asked show-cause with charge-sheet for starting departmental proceeding.

6. That it is further submitted Department has also directed to the concerned Chief Engineer vide



Letter No. 2106 dated 1.10.19 to terminate the services of the concerned Contractor, whose work was not found as per contract agreement and also found guilty of irregularity and illegality while discharging their duty and accordingly Engineer in Chief, Headquarter wrote letter to the Chief Engineer, Dehri and by this letter direct the Chief Engineer, Dehri to submit the report that after supervision what steps taken against the concerned Contractors namely M/S Regan Construction Pvt. Ltd. and M/S Baijnath Construction Pvt. Ltd. and Shri Ramendra Singh in light of show-cause, asked from the concerned Contractor vide letter No. 3683, 3684 & 3685 dated 17.10.19 vide letter No. 328 dated 3.02.2020.”

As such, we direct Respondent Nos. 3 and 4, namely The Additional Chief Secretary, Irrigation Department, Bihar and The Principal Secretary, Cabinet Vigilance Department, Bihar respectively to take appropriate consequential action in terms of the averments made in the affidavit reproduced supra. Action, both civil and criminal, shall be initiated within a period of two months from the date of production of a copy of this order. Learned counsel for the State undertakes to make it available to the concerned officer within two weeks from today.

We only hope and expect such action to be completed and concluded expeditiously.



Liberty reserved to the petitioner to approach the Court, if the need so arises.

Petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	16.12.2020
Transmission Date	

