

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14197 of 2017

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1. Mukesh Kumar Singh, Son of Shri Rajendra Prasad Singh, Resident of Village- Shivganj, Panchayat- Mirjapur Bardah, P.S.-Muffasil, Distt-Munger.
 2. Sanjeet Kumar, Son of Shri Kaselal Choudhary, Resident of Village- Chauran, Panchayat- Patam East , P.S. -Muffasil, Distt. -Munger.

... .. Petitioners

Versus

1. The Union of India through Principal Secretary, Department of Electronics and Information Technology, Ministry of Communication and Information Technology, Govt. of India, New Delhi.
2. The State of Bihar through its Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Communication and Information Technology, Govt. of Bihar, Patna.
4. The Managing Director, Bihar State Electronics Corporation Ltd. (BELTRON), Patna.
5. Managing Director, SREI SAHAZ E-Village Ltd. Plot No. 32/11/1C Maraniya Garden, tapasiya (East) Kolkata- 700046.
6. CSE e-Governance Services Ltd. (CSCSPV) through its Managing Director, 238, Okhla Industrial Area, New Delhi, Pin- 110020.

... .. Respondents

Appearance :

For the Petitioners :	Mr. Pravin Kumar, Advocate
For the Respondent No.4:	Mr. Girijesh Kumar, Advocate
For the Respondent-State:	Mr. Sumant Kumar Singh, AC to GA-II
For the Respondent No.5:	Mr. Kumar Vikram Advocate
	Mr. Apurva Kumar, Advocate
For the Union of India :	Mr. Praveen Kumar Sinha, CGC
	Mr. Rakesh Kumar Sinha, CGC
For the <i>Amicus Curiae</i> :	Ms. Chhaya Kriti, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and

HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

Date : 11-07-2022

Heard Mr. Pravin Kumar, learned counsel for the
petitioner, Mr. Praveen Kumar Sinha, learned counsel for the
Union of India, Mr. Sumant Kumar, Assistant counsel to GA-2 .



Mr. Girijesh Kumar, learned counsel for the BELTRON is also present.

2. In the instant application filed in the nature of Public Interest Litigation (for short 'PIL'), the petitioners have made the following prayers:-

(a) For commanding the respondent authorities to ensure facilities to establish and run the common service centres (Vasudha Kendras) in all of the villages in State of Bihar so that the poor villager may use facility of information technology on the basis of no profit no loss.

(b) For commanding the respondent authorities to ensure maintenance of old Vasudha Kendras established under project of common service centres (CSC) Scheme situated in the State of Bihar.

(c) For commanding the respondents to provide building, machines, computers etc. to all of the villages in Bihar either through Vasudha Kendras or any other name without misusing the fund.

(d) For any other relief/reliefs which is essential in the interest of public and/or use the buildings constructed on public land in the light of directions of the Hon'ble Apex Court.

3. The instant Public Interest Litigation (PIL) has been filed by the petitioners, who claim themselves to social



workers and public spirited persons, who work in the interest of the society. In the Para-3 of the application, it is stated that the petitioners have no personal interest.

4. Mr. Pravin Kumar, learned counsel for the petitioners submitted that the Government of India has set a target to develop skills of 50 crore people by 2022. The Finance Ministry has approved and asked all the banks to expedite the engagement of Common Service Centers (for short “CSCs”) across the country and it has further been stipulated that Village Level Entrepreneurs (for short “VLEs”) shall not pay any amount to any person for engagement except the cost of biometric device. He submitted that in order to facilitate the poor people of the country, the aforesaid scheme was set up and it was decided that every panchayat will have CSCs to provide a host of services through internet.

5. He contended that there are about 8471 gram panchayats in Bihar and CSCs are not functioning in those panchayats. He further contended that more than 6000 VLEs have registered themselves with Srei Sahaj E-Village Ltd. but the centres are not updated due to lack of infrastructure of the Information Technology, equipment have become ineffective and useless. According to him, VLEs have neither been allotted



any job nor have been paid any maintenance allowance which was prescribed by the Government of India in order to run and maintain the CSCs i.e. Vasudha Kendras.

6. Respondent no.1 has filed a counter affidavit wherein it has been stated that CSC-2.0 project was approved by administrative approval dated 19.08.2015 under the pillar-3 of the Digital India Programme and the CSE 2.0 project has been implemented by the CSC e-Governance Services India Limited. The CSC-2.0 envisages expansion of self sustaining CSC entrepreneurship network by establishing 2.50 lakhs CSCs at gram panchayat level under the Digital Indian Programme's pillar-3 Public Interest Access Programme to deliver various citizen centric services in the form of Government to citizen, business to citizen, educational services, financial inclusion services, skill development services, information & awareness campaigns etc. The major objective of CSC-2.0 is to cover all 2.50 lakhs gram panchayats in the country by establishing at least one functional CSC for the dissemination of various services to the citizen within their community. The CSCs under CSC-2.0 are to be run by VLEs. It is completely self sustainable entrepreneurship with no viability gap funding for hardware and infrastructure support from the Union of India. It has further



been contended in the counter affidavit that in the State of Bihar total 34,495 CSCs are functional in rural and urban areas and out of them 29,684 CSCs are functional at gram panchayat level. Thus it is contended that all 8,385 gram panchayats in the State of Bihar are having at least one functional CSC, which are delivering more than 400 Government to citizen, business to citizen and other services to the people within their community transparently.

7. In the counter affidavit filed on behalf of Respondent No.4, a preliminary objection regarding the maintainability of the PIL has been raised. It is stated that petitioner no.1, who claims himself to be a social worker in para-3 of his application is directly connected with the subject. He is an interested party, because he is one of the registered VLE under the CSC scheme of Government of India. He has direct involvement in CSC scheme ecosystem. His detail CSC ID No./Code BR092300101 is available on Locator 'apnacsconline' website.

8. Learned counsel for the respondents have submitted that the application has been filed with ulterior motive. The petitioners having vested interest have no *locus standi* to file the instant PIL. The grounds taken by the



petitioners are also not tenable in law as CSC-2.0 was brought for more transparency and the petitioners are scared of such things and in anticipation of getting adverse result against them are making wild allegations.

9. We have heard learned counsel for the parties and perused the affidavits on record.

10. A PIL refers to a writ petition before the Court for protection of public interest. Generally, it is the person whose rights are violated has the *locus standi* to file writ petition before the Court. PIL is an exception to such rule. PIL can be filed by any member of the public or a public spirited person or social worker before the Court for enforcing the right of other people.

11. In the instant case, respondent no.4 has raised a preliminary objection regarding the maintainability of the PIL, as the petitioner no.1 is directly connected with the matter. Though, he claims himself to be a social worker having no vested interest in the matter, the counter affidavit filed on behalf of the respondent no.4 would suggest that he is one of the VLS'S under the CSC scheme of the Government of India. There is no denial to the aforesaid contention by respondent no.4.



12. Thus, apparently, the instant application is not a *bona fide* PIL. It has been filed for extraneous consideration. Even otherwise, we are of the opinion that no relief can be granted to the petitioners, as the contentions advanced on behalf of the petitioners have been controverted on oath. In the supplementary counter affidavit filed on behalf of the respondent no.1 it is clearly stated that there are 34,495 CSCs functional in the State of Bihar and out of these, 29,684 CSCs are functional at Gram Panchayat level. It is further stated that all 8, 385 Gram Panchayats in the State of Bihar are having at least one functional CSC.

13. The application lacks merit. It is dismissed, accordingly.

(Ashwani Kumar Singh, J.)

(Dr. Anshuman, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15-07-2022
Transmission Date	NA

