

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9339 of 2022

Veterans Forum for Transparency in Public Life through its General Secretary
namely Wing Commander (Retd.) Bishwanath Prasad Singh, Male, aged
about 73 years, Son of Late R.N. Singh, R/o Ward No.18, Dahiyawan,
Chhapra, P.S.- Chhapra, District- Saran at Chhapra.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, General Administration Department,
Government of Bihar, Patna.
3. The Principal Secretary to the Chief Minister, Govt. of Bihar, Patna.
4. The Deputy Secretary of the Government General Administration
Department, Government of Bihar, Patna.
5. The Union Govt. of India through Secretary Ministry of Home Affairs, New
Delhi.
6. The Registrar General and Census Commissioner Union of India, New
Delhi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Ms .Ritika Rani, Adv
For the State	:	Mr. Lalit Kishore A.G. Mr.Pawan Kumar (AC TO AG)
For the UOI	:	Mr. Dr. K.N. Singh (ASG) Mr. Kumar Priya Ranjan, CGC Mr. Amarjeet, JC to ASG Mr. Abhijeet Gautam JC to ASG

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-07-2022

Heard learned counsel for the parties.

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

(A) For quashing the decision of State Cabinet taken in Agenda no. 9 of the meeting held on 06-06-2022 which has been communicated by Deputy Secretary to the Government General Administration

Department Govt. of Bihar by the order of Hon'ble Governor as contained in Annexure-5 by which it has been decided to conduct Caste based Survey in the state of Bihar for which an estimated expenditure amount of 500 Crores will be from head of the contingency fund and it was also decided to appoint District Magistrate as Nodal Officer and taking service of employee of State Government from Gram level, Panchayat Level and Higher Level by the General Administration Department and District Magistrate.

(B) To hold and declare decision taken by the State cabinet for caste based survey in Bihar on 06-06-2022 contained in letter no. 9077 dated 06-06-2022 as contained in Annexure-5 and expenditure of 500 crore from Contingency Fund, fixing responsibility on the District Magistrate as Nodal Officer is contrary to Article 246 of constitution of India read with Seventh Schedule at serial no. (69) of Union List of Constitution of India and Sections 3, 4, 4A, 5 of Census Act 1948 and the Rule 3, 4, 5, 6, 6A, 7, 8, 9 of the census Rule 1990, without disclosing purpose and use of Caste Based Survey, arbitrary, without jurisdiction malafide, against the public interest misuse of the public money of hard earned of the tax payee, unreasonable, unnecessary and improper and without any Statutory Act and Rule illegal and bad in law.

(C) To hold and declare decision taken by the State Cabinet on 02-06-2022 which has been communicated on 06-06-2022 as contained in Annexure-5 With respect to expense of 500 crore from Bihar contingency Fund in completion of the Caste Based survey is contrary to the section 4 and 5 of the Bihar Contingency Fund Act 1950 and Rule 3, 4, 5, 6A and 6B, of the Bihar Contingency Fund Rule 1953 fraud in law, misuse of public money, without any statute and rule, illegal and bad in law.

(D) Also Commanding State respondent to recover the amount which will be withdraw from Contingency Fund for expenditure of Caste Based Survey on the basis of Annexure-5 from erring official in order to compensate loss of public money.

Learned Advocate General informs that the supplementary budget stands presented and passed by the Legislative Assembly of Bihar.

In this view of the matter, we close the present proceedings, leaving the issue open to be agitated in an appropriate case, should the need so arise subsequently.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

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