

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13675 of 2017

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Rabindra Singh, S/o Late Rajendra Singh, Resident of Village-Pahsara, P.S.
Naokothi, District-Begusarai

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
2. The Managing Director, State Food Corporation, Govt. of Bihar, Patna.
3. The District Manager, State Food Corporation, Begusarai, State of Bihar, Patna.
4. The Director, Vigilance, Suchana Bhawan, New Secretariat, Patna.
5. The District Magistrate, Begusarai
6. Ram Gulzar Mahto, S/o Late Rameshwar Mahto, Resident of Village-Tara (Gram Panchayat-Fafaub), Ward No. 10, P.S. Khodawandpur, District Begusarai.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Arvind Kumar, Advocate
For the Respondents-State:	:	Mr. Bishwa Bibhuti Kumar Singh, AC to AG
For the Vigilance	:	Mr. Arvind Kumar, Spl. P.P.
for the Respondent-BSFC:	:	Mr. Shailendra Kumar Singh, Advocate
	:	Mr. Utkarsh Utpal, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)
Date : 04-08-2022

The instant application has been filed by the petitioner seeking a direction to the respondent authorities to make an inquiry by any independent agency in the large scale scam rampant in the State of Bihar in the Public Distribution System and to take action against the persons found involved in the scam.



2. The petitioner has raised issues specifically related to Begusarai district in which some miscreants or some officials have created malpractices in the Public Distribution System for their own gain.

3. Respondent nos. 2 and 3 have filed counter affidavit and supplementary counter affidavit in the present matter. In the supplementary counter affidavit, it has been stated that actions have been taken against the miscreants involved in Khodawandpur P.S. Case No.125 of 2016, Bhagwanpur P.S. Case No.43 of 2017, Bakhari P.S. Case No.65 of 2017 and Beriya Bariyarpur P.S. Case No.55 of 2017. It is further stated that the competent authority has already passed order of compulsory retirement of the then District Manager, State Food Corporation, who was involved in the illegalities. He has challenged the order of compulsory retirement vide C.W.J.C. No.9468 of 2020 and the said case is pending before this Court. The memo of charge has also been prepared against the godown Incharges of the relevant time, namely, Nirmal Kumar Sahay and Basudev Sahay.

4. In para 8 and 9 of the supplementary counter affidavit filed on behalf of respondent nos. 2 and 3 following averments have been made:-



“8. That in the light of Hon’ble Apex Court order dated 28.02.2017 passed in SLP (Cr.) No. 1779/16 and five Special courts were constituted in Bihar for trial against alleged accused persons who were involved in the defalcation of public grain of BSFC.

9. That in the light of Hon’ble Apex Court order the Hon’ble Justice Mr. Chakradhari Sharan Singh has considered and constituted SI headed by Mr. Vinay Kumar, ADGP, CID in Cr. Misc. No. 42242 of 2013 and this case is being monitored regularly”.

5. It is contended by the learned counsel for the State Food Corporation that in para 9 there is a typographical error and Cr. Misc. No. 42242 be read as 52242.

6. Considering the averments made in the supplementary counter affidavit, Mr. Arvind Kumar, learned counsel for the petitioner has expressed satisfaction and has submitted that since a co-ordinate Bench has already constituted SIT headed by Mr. Vinay Kumar ADGP, CID in Cr. Misc. No. 52242 of 2013 and actions have been taken against the erring officials, for the present, the petitioner does not intend to pursue the present writ petition, which has been filed in public interest.

7. In view of the actions taken by the respondents and the submissions made above as well as in view of the averments



made in the supplementary counter affidavit filed on behalf of the respondent nos. 2 and 3, the instant application which has been filed in the nature of public interest litigation is disposed of. It is expected that the respondent authorities would take effective steps to bring the criminal to proceedings and the disciplinary proceedings initiated against the erring authorities to their logical end expeditiously.

(Ashwani Kumar Singh, J.)

(Shailendra Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.08.2022
Transmission Date	NA

