

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1279 of 2022

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Umesh Kumar Singh son of Laxman Prasad Singh resident of Ashok Niwas,
Vindyavasini Path, Menka Hotel, P.S. Kadamkuan, District Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Transport Department, Govt. of Bihar, Patna
3. The Director General of Police, Bihar, Patna
4. The Senior Superintendent of Police, Patna
5. The District Transport Officer, Patna
6. The Director, National Informatics Center, Patna
7. The Central Bureau of Investigation through its Director, Patna

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 871 of 2023

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Prakash Kumar Bhatt son of late Suresh Bhatt, Resident of Vijay Cinema
Campus, Nawada, P.O. and P.S.- Nawada, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary.
2. The Principal Secretary-Cum- State Transport Commissioner, Bihar, Patna.
3. The State Transport Commissioner, Bihar, Patna.
4. The Special Additional Secretary, State Transport, Bihar, Patna.
5. The Additional Transport Commissioner, Bihar, Patna.
6. The Joint Transport Commissioner, Bihar, Patna.
7. The Deputy Transport Commissioner, Bihar, Patna.
8. All the Regional Transport Officers, Bihar.
9. All the District Transport Officers, Bihar.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 1279 of 2022)

For the Petitioner/s	:	Mr. Mrigank Mauli, Senior Advocate Mr. Arun, Advocate
For the State	:	Mr. Sarvesh Kumar Singh, AAG-13 Mr. Rohitabh Das, AC to AAG-13
For the CBI	:	Mr. Avanish Kumar Singh, SPP Mr. Amber Narayan, Advocate



(In Civil Writ Jurisdiction Case No. 871 of 2023)

For the Petitioner/s : Mr. Surendra Kumar Mishra

For the Respondent/s : Smt. Anuradha Singh (SC-21)

Mr. Rakesh Prabhat, AC to SC-21

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-05-2023

The petitioner in both the writ petitions, in public interest took up cudgels against the Transport Department of the State and the National Informatics Centre (hereinafter referred to as 'NIC') for widespread distribution of registration numbers and registration of BS-III vehicles in violation of the judgment of the Hon'ble Supreme Court. The reliefs prayed are, for directing an investigation by the Central Bureau of Investigation into (i) the corrupt malpractices in all the District Transport Offices across the State of Bihar, (ii) the collusion of the NIC and (iii) monitoring of such investigation by this Court as also (iv) parallel proceedings to be initiated by the Enforcement Directorate. It is to be noted at the outset that the NIC has not been impleaded in the writ petition despite making very serious allegations against the said organization.

2. The petitioner elaborates in the memorandum that till 2009, a register was maintained wherein the details of the new



vehicle registrations were recorded manually and thereafter, a software named as VAHAN I was brought in which facilitated widespread fake registrations especially through contract employees engaged as Data Entry Operators, for reason of there being no skilled hands in the Department itself. VAHAN I also facilitated the registration directly by the dealers who were allotted a series of numbers and later this software was replaced by an advance software named as VAHAN II and then VAHAN IV. It is alleged that the unscrupulous elements in the Department, in collusion with the NIC evolved a method wherein un-utilised registration numbers allotted to the vehicle dealers at the time of VAHAN I were used to grant registration retrospectively to BS III vehicles as also stolen vehicles. There was an unholy nexus between the dealers, the Transport Officials, the Officials of the NIC and the Data Entry Operators appointed on contract basis. It is pointed out that on audit, though the fathom and extent of the scam could not be found out, there was found 23 vehicles for which tax was not paid at the time of registration. Annexure-1 is produced as the Audit Report which unfortunately is a reply by one of the employees of the Transport Department to a show cause notice; which reveals the levity and callousness with which the writ petition has been filed.



3. The petitioner has also referred to a decision of the Hon'ble Supreme Court in *M.C. Mehta v. Union of India, AIR 2017 SC 2430* which prohibited sale and registration of BS III vehicles with effect from 31.03.2017. It is alleged that the officials of the Transport Department in connivance with the officials of NIC granted registration to a number of BS III vehicles, as issued prior to 31.03.2017 using the loopholes in the software implemented for the State of Bihar and registration changed by the same modus operandi. A Data Entry Operator has been specifically named, who is said to have immense influence in the Transport Department, who has not been impleaded in the writ petition. The petitioner also speaks of no criminal prosecution having been initiated against the various persons.

4. The petitioner in C.W.J.C. No.871 of 2023 also is concerned with registration of BS III model vehicles after 01.04.2017, which is alleged to be a serious health hazard and also in violation of the directions of the Hon'ble Supreme Court.

5. In C.W.J.C. No.1279 of 2022, a number of affidavits were filed and we refer to the last one filed on 27.03.2023 by the OSD, Transport Department. It is pointed out that at the time of coming to know of fraudulent entries made through the VAHAN software, the Transport Department had



constituted a four member committee and proceedings were taken against one clerk whose reply to the show cause notice is produced as Annexure-1 in the writ petition. It is pointed out that a District Transport Official, who was found to be involved in the scam was also proceeded against and a vigilance case has been registered by the Vigilance Department, Government of Bihar. When the misuse of the provision for backlog entries came to the notice of the Department and being apprised of the ramifications, by a report of the 4 Member Enquiry team, a further committee was constituted to study the issue and give suggestions as to how such irregularities can be prevented in future. The report of the said committee is produced as Annexure-L. NIC also has made suitable amendments to the VAHAN software regarding backlog entries of vehicles in use and such entries have been restricted on the portal, centrally by NIC which is evident from Annexure-M. The Ministry of Road Transport and Highways has also addressed the NIC and guidelines have been issued regarding backlog entry of in-use registered vehicles and existing driving licenses, with a view to further strengthen procedure of backlog entry and updation of data. The uploading of certain documents have also been made mandatory as per the guidelines.



6. It is submitted that now the backlog entry is permitted only for in-use registered vehicles and the entries shall be based on the records maintained manually at the District Transport Office; which is made the responsibility of the Registering Authority, i.e., District Transport Officer (DTO). As far as the misuse of the provision of backlog entry by the staff of the District Transport Office is concerned, an FIR has been lodged against the persons involved in such irregularity, bearing Gandhi Maidan P.S. Case No.227/23. The services of the employees who were deputed from other organizations, who were found to have been involved in the scam were also repatriated. Necessary directions has also been issued to the Licensing Authority to take needful action in accordance with law for cancellation of registration of fraudulently entered vehicles in the VAHAN software as well as against the dealers concerned. Registration of 475 out of 575 vehicles shown to be registered through fraudulent backlog entries have been cancelled as per Section 55(5) of the Motor Vehicles Act, 1988. The further proceedings for cancellation of registration of remaining vehicles also is in progress. Three enquiry teams have been constituted to look into similar fraudulent transactions in the districts of Muzaffarpur, Bhojpur and Jamui. The Transport Department on being apprised of the fraudulent



entries has thus, taken needful action in the matter and the proceedings are continued. We are satisfied that the Department is alert to the issues involved and corrective measures have been taken insofar as the fraudulent backlog entries having been made using the loopholes in the portal of the Transport Department.

7. As far as the directions of the Hon'ble Supreme Court, the Transport Department, Bihar has issued communication dated 17.05.2017 produced as Annexure-B Series in C.W.J.C. No. 871/23 directing all DTO's/MVI's in the State of Bihar that the order passed by the Hon'ble Apex Court is duly complied with. The Transport Department has also constituted a team to conduct an inquiry since the documents made available by the DTO's, are found to be in-sufficient.

8. We observe that sufficient safeguards have been brought into place by the Transport Department of the State of Bihar and that the defalcations, if any, committed by its own employees have been unearthed and proceedings taken to undo the same. We are of the opinion that there would be no purpose served in directing a CBI inquiry at this point. We are also not impressed with the broad allegations made in both the writ petitions which are not properly substantiated. A public spirited person, when approaching the High Court has to ensure that some substantiating



details are produced before the Court, which now is facilitated by the Right to Information Act. A wayfarer cannot simply approach the Court with empty hands and make allegations against all and sundry without even impleading them in the petition filed. We notice that in C.W.J.C. No. 1279 of 22, the named person against whom allegations were raised was not impleaded. In C.W.J.C. No. 871 of 2023, the 8th and 9th respondents are referred to as all the Regional Transport Offices and all the District Transport Offices, Bihar which is not the manner in which impleadment of parties are to be made for the purpose of answering allegations raised. Omnibus allegations without any substantiation has to be rejected at the outset.

9. In any event, since the writ petition was entertained and the respondents have submitted their response, with which we are satisfied, we close the writ petition.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

sharun/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	09.05.2023
Transmission Date	N/A

