

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12714 of 2008

Mahesh Sharma son of Late Janeshwar Sharma, resident of Jagdamba Bhawan
(Opposite Agrawal High School) P.G. Road, Belaganj P.S. Belaganj District Gaya.

--Petitioner.

versus

1. The State of Bihar through the Chief Secretary Government of Bihar, Patna.
2. The Commissioner-cum-Secretary, Department Rural Development, Government of Bihar, Patna.
3. The Commissioner-cum-Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
4. The Commissioner-cum-Secretary Department of Personnel and Administrative Reforms, Government of Bihar, Patna.
5. The Engineer in Chief, Department of Rural Development, Bishweshwariya Bhawan, Patna.
6. The Chief Engineer, Department of Rural Development, Bishweshwariya Bhawan, Patna.
7. The Superintending Engineer, Rural Work circle, Gaya.
8. The Executive Engineer, Rural Works, Division, Gaya.
9. The District Magistrate, Gaya.
10. The Civil Surgeon, Gaya.
11. The Vigilance Commissioner, Bihar, Patna.

Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. Manoj Kumar Ambastha, G.P.17

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

- 20 14-07-2023 1. Heard learned counsel for the respondents and
perused the materials on record.
2. No one had appeared on behalf of the petitioner on
the last two occasions ie 3.1.2014 and 12.5.2023. None appears



today.

3. The instant application in the nature of a public interest litigation has been filed for the following reliefs:

“(i) Get the works executed by the rural development department, certain schemes undertaken by the Health Department in the District of Gaya and the works with which the District Magistrate, Gaya is directly related such as instalation of High Mask Lamps in the town ship of Gaya and other places, inquired into by an independent agency as in the reports submitted by different teams and inquiry committees suggests that the works executed x were substandard and the authorities concerned were involved in financial gain at the cost of Public Welfare.

(ii) Take appropriate action against the erring persons who are found to be involved in such financial gain.

The petitioner further prays for any other relief (s) which may be found appropriate in the facts and circumstances of the present case.”

4. From the contents of the writ application it transpires that the case of the petitioner is that huge amount of money was disbursed during the financial year 2006-07 for the work which was already done in different financial years commencing from 2001-02 to 2005-06 by different agencies like Gaya Development Authority and the Agricultural Produce Marketing Boards. Some inspection was conducted in the year



2007 from which it transpired that certain works had not been done in accordance with the estimates. The petitioner being an active social worker filed a petition with respect to financial irregularities but no steps were taken by the authorities and hence the instant writ application.

5. It may be mentioned here that the instant application was filed in the year 2008 and several affidavits have been filed by the respondents from time to time. Finally, by order dated 1.10.2012 this application was admitted for hearing. As stated above, thereafter, neither the petitioner nor anyone on behalf of the petitioner appeared either on 3.1.2014 or on 12.5.2023. No one appeared to press this application even today and the matter was kept aside. On the same being called out once again, still no one appears in support of the application.

6. Having perused the materials on record and the affidavits filed it transpires that as per the detailed exhaustive supplementary affidavit filed on behalf of the Executive Engineer, Rural Works Division, Gaya, pursuant to the work carried out by the contractor against the agreement no.88F2/2006-07, on enquiry by the Chief Engineer-1, Rural Works Division, Bihar, some deficiencies in the work was found. On direction being given to the contractor concerned, he



got the deficiencies removed which would be evident from the second enquiry report dated 9.11.2008/13.1.2009 conducted by the Eight Men Committee constituted by the Engineer-in-Chief, Rural Works Department, Bihar, Patna. As per the affidavit, on the second enquiry, the work was found upto the mark and the materials used therein were also found to be good.

7. Thus in view of the facts and circumstances of the case, in view of the contents of the counter affidavit as also in view of no one having appeared on behalf of the petitioner on three occasions, the Court does not find it appropriate to keep this application pending.

8. The application stands disposed of.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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