

25.04.2023
Item No.14
gd/ssd

WPA(P)/504/2022
ANJANA MEHEBUB
VS
COMPTROLLER AND AUDITOR GENERAL AND ORS.

Mr. Bikash Ranjan Bhattacharyya,
Mr. Soumya Dasgupta
... for the Petitioner.

Mr. S.N. Mookherjee, learned Advocate General
... for the State.

Mr. Sandip Kumar Bhattacharyya
... for the Respondent Nos.1 and 2.

1. We have heard the learned advocates for either of the parties.

2. The learned Advocate for the respondent nos.1 and 2 submits that the respondent nos.1 and 2 are not proper necessary parties to the writ petition and they should be deleted from the array of parties.

3. Since the writ petition filed by the petitioner who is a practicing advocate before this Court is solely based upon a report submitted by the 1st respondent bearing Report No.1 of 2022, we are of the view that the respondent nos.1 and 2 are not proper or necessary parties to the writ petition.

4. Accordingly, the respondent nos.1 and 2 are deleted from the array of parties.

5. The primary grievance of the petitioner is that certain issues have been flagged by the

Comptroller and Auditor General of India in Report No.1 of 2022 with regard to the financial assistance to institutions where the State Government has no proper monitoring mechanism to ensure accountability. In this regard Table No.2.16 of the report was brought to our attention.

6. The learned Advocate General raised a preliminary objection to the prayer sought for in the writ petition and submitted that PIL cannot be entertained solely based upon the report submitted by the Comptroller and Auditor General of India.

7. The learned Advocate General is right in a submission because it is a report submitted by the authority and it will be well open to the concerned authorities to file their response to the report or seek to explain the issues flagged in the report. If, according to the writ petitioner, the issues which have been flagged in the report are issues where the State Government revenues are not being properly expended, it is the appropriate for the petitioner to first point out those discrepancies by way of a representation to the appropriate authorities of the State Government and it is only upon failure of the State Government either to respond to the representation or to inadequately consider the representation, then it would be open to the complainant/petitioner to approach a judicial forum for necessary relief .

8. For the above reason, the writ petition stands disposed of.

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)