

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21546 of 2019

Ram Shankar Singh

... .. Petitioner/s

Versus

The State of Bihar & Ors.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Jagannath Singh, Advocate Md. Ghulam Mustafa, Advocate Mr.Deepak Kumar, Advocate Mr. Shahnawaz Ali, Advocate
For the DMC	:	Mr.Bindhyachal Rai, Advocate
For the State/Res/s	:	Mr.Suresh Kumar, AC to GP 1

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

12 26-02-2024 Heard Mr. Jagannath Singh along with Mr. Ghulam Mustafa, Mr. Deepak Kumar and Mr. Shahnawaz Ali, learned counsels appearing on behalf of the petitioner; Mr. Bindhyachal Rai, learned counsel for Darbhanga Municipal Corporation and Mr. Suresh Kumar, learned AC to GP 1 for the State.

2. Referring to page no.1 of the note-sheets, the Executive Engineer, Mr. Ashok Kumar is present in the Court along with the Accountant and the Clerk working under him, informs this Court that from Page No.1 of note-sheets, it appears that though the Accountant had given information with respect to settlement of 09 Toilets existing in different parts of Darbhanga Nagar Nigam for public use before expiry of the



agreement i.e. 18.08.2016 for settlement of the toilets was to expire on 18.08.2016, the steps is required to be taken to settle for the next three Financial Years and the tender notice in this regard is required to be made public. The concern shown by the Executive Engineer is that the Accountant has deliberately not requested for the verification of the toils to assess the viability of the revenue, which can be generated from the toilets taking into consideration the 'Market Price Index' existing on the date that having not been done by the Accountant, who is well aware of the accounting, as well as, the consequences leading to the financial loss particularly to the Municipality and the Government in general, as well as, public at large. In the present case, it has been found that out of 09 Toilets, 06 Toilets were not in the condition to be used by the public.

3. The Executive Engineer submits that he is contemplating to issue show cause to the Accountant, as well as, the office staff, who are associated with him to explain as to why they have not mentioned in the proposal with respect to the present condition of the Toilets before holding any tender and if they are found involved in misappropriating the government money, he will refer the matter to the competent authority for taking disciplinary action against them.



4. At the request of the Executive Engineer, the Accountant and the Clerk, who are present in the Court, are directed to file their respective show cause, pursuant to the show cause notice issued by the Executive Engineer, who have deliberately suppressed the fact that 06 Toilets were non-functional and the petitioner has been held for delay in not making certain payment as well as causing loss to the Municipality.

5. The Supplementary Counter Affidavit, which Mr. Bindhyachal Rai, learned counsel for Darbhanga Municipal Corporation, seeks to file before this Court, will be accepted along with the show cause issued by the Executive Engineer and the reply to it by the concerned office staff including particularly the Accountant and the Clerk.

6. As the concern has been shown by the Executive Engineer, who is present in the Court, this Court directs the Superintendent of Police, Darbhanga to provide him adequate security so that no one can threaten him of dire consequences.

7. In case, the Executive Engineer finds that he requires security, the Superintendent of Police, Darbhanga must immediately provide security to him so that he may function with free mind without any fear.



8. At the request of the Executive Engineer, re-notify after two weeks (i.e. on 21.03.2024) along with CWJC No.4778 of 2020, retaining its position.

(Purnendu Singh, J)

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