

(2007) 09 MP CK 0080
In the Madhya Pradesh High Court

Ashok Singh Bhadoria

APPELLANT

Vs

State of M.P. and Others

RESPONDENT

Date of Decision : 14-09-2007

Acts Referred:

Constitution of India, 1950 — Article 21A, 226, 227
Penal Code, 1860 (IPC) — Section 307

Citation : (2007) 09 MP CK 0080

Hon'ble Judges : Sheela Khanna, J;A.K. Gohil, J

Bench : Division Bench

Judgement

Abhay Gohil, J.—Petitioner, who is a practicing lawyer in District Court Bhind and a Social Worker, has filed this Probono Public Petition under Article 226/227 of the Constitution of India.

2. In a nut shell, the petitioner's allegations in the petition are that he wants thorough probe in computer scams of Bhind under the Member of Parliament Local Area Development Scheme (for short MPLADS) at the behest of the respondent No. 3. It is his allegation that the computers have been supplied to educational institution of District Bhind and each of the computer costing 4.99 lac and total supply is amounting to Rs. 1,30,00,000/- without inviting tenders and entire amount seemingly appropriated by the respondent No. 3 to 5. Respondents No. 4 and 5 were the suppliers. As per the government financial instructions for purchasing any material above Rs. 50,000/-, tenders are required to be invited with transparent system, but in this case no such procedure was adopted and in collusion the respondents have siphoned out the entire amount. At present there is no computer or if there is any computer in the educational institution is not functioning as substandard and local made computers have been supplied in place of standard computers. In the meeting of Jila Yojna and Sankhyki Karlaya Bhind on 25.5.2000, it was mentioned that the enquiry should be made by NIC officers, but Jila Samiti expressed that the enquiry is not possible by NIC officials and the enquiry of computer supply be made by MAPSAT and the same is still pending and no enquiry has been conducted. The petitioner

has also produced the news paper cuttings about the aforesaid scheme and on 24.5.2003 office bearers of Akhil Bhartiya Kshatriya Mahasabha, Kshatriya Samaj Sudhar Sangh and Akhil Bhartiya Yuva Kshatriya Mahasabha have submitted memorandum to the Commissioner through the Collector Bhind regarding the financial irregularities in purchasing the computers and has prayed that direction be issued to CBI to make an enquiry and if respondent No. 3 is found guilty of kick-backs or accepting bribe for development, then he should be recommended to the Parliament for expulsion from the august body. The computers were supplied in the year 2001-02 and the petition has been filed in the year 2006, there is some delay, but during this period, the petitioner was searching tangible proof regarding the dates of supply of each computer.

3. The return was filed by respondent No. 1 State in which preliminary objection was taken that the petition is frivolous and has been filed with a view to take personal revenge and there is no public interest in this petition. The purchase of computer sets was as per the directions given by the Central Government and the State Government and under "Computer Literacy Scheme" funds were provided by M.P. from the Member of Parliament Local Area Development Scheme (MPLAD), tenders were invited and the lowest tender with quality computer and accessories offer was accepted and purchased. There was no irregularity in the matter of purchase and also there was no misappropriation of funds. Petition suffers from non-joinder of necessary party, as M/s New Temple Company has not been added as party and the allegations of the writ petition were denied. It was also submitted that the petition is not only highly belated but has been filed after much delay without any satisfactory reasons and therefore liable to be dismissed on the ground of delay and laches. On 22.3.1999 approval was accorded for purchase of five computers at the price of 4,99,500/- from M/s New Temple Company Gwalior. It was further submitted that on 2.11.1999 - 15 computers, on 4.11.1999 - 15 computers, on 13.12.1999 - 30 computers, on 13.3.2000 - 40 computers and on 2.12.2000 - 10 computers, in all 115 computers with full sets including accessories were purchased at the cost of Rs. 1,07,92,750/-, which are of high quality.

These computers were in turn supplied to 23 schools for imparting computer education. It was also mentioned that the supplies of the computer were made as per the terms and conditions, the companies have given warranty and guarantee to repair and replace the computer sets if there would be technical fault will occur in the computer sets. Suppliers of the computers were having adequate experience and were involved in undertaking the computer education programme from the year 1999. Copy of the terms and conditions have been produced as Annexure R/1 and R/2. It was submitted that the concocted and manufactured news items were published with a view to blackmail the officials and the petitioner made all kind of attempts to blackmail the respondent No. 3 by way of publishing articles on wrong facts in order to get the personal advantage. The petitioner is having caste and political rivalry with respondent No. 3 therefore he has made false allegations and in the reply it was prayed that

the petition is not PIL, therefore it be dismissed.

4. The respondent No. 2, who was the then Collector of District Bhind, has also filed its return on the same lines. In the return preliminary submissions have been raised about the maintainability of the petition. It was submitted that the petition is frivolous, raising several disputed questions of fact which cannot be investigated in exercise of writ jurisdiction. Petition has been filed after much delay and it is liable to be dismissed on this ground with heavy cost. Petitioner has not come in the court with clean hands and the same is filed with suppressing material facts. As per the scheme, the agency was required to be fixed by the Member of Parliament for implementation of any scheme. State Government has also issued a circular dated 28.11.1997, whereby all Collectors have been directed to fix an agency on the advice of the Member of Parliament in case work is done under the aegis of the MPLADS fund. As per the said circular, proposals were invited from two agencies, which was approved by respondent No. 3 and since there was no provision in the circular for inviting tenders, the work was allotted under the Computer Literacy Scheme. The MPLADS being a special scheme introduced by the Parliament, the normal procedure of inviting tenders is not attracted. For implementing the computer literacy in the Bhind District under the aforesaid scheme, 23 institutions were to be benefited at the initial stage. This was a turn key project. Name of "Computer Studies and Services" was recommended by M.P. which according to him had sufficient experience in the field and had successfully implemented the programme in various districts of Madhya Pradesh. A letter was also received from computers studies and services organizations in which it was mentioned that this organization is a leading Computer Training Institutions engaged in imparting computer literacy programmes in Schools. The project therefore involved:

1. Computer Hardware, peripherals and Softwares.
2. One Computer Instructor in each school to conduct the computer classes.
3. Maintenance of Computer Hardware System during the contract period.
4. Supply of consumable like floppy, stationary and computer text book of the students.

A proposal was also received from respondent No. 5 Oscar Communication Computer Studies for supplying computers and computer items and consent was given by respondent No. 3 thereon.

5. It is further submitted by respondent No. 2 that looking to the involvement of monetary liability, the proposal of respondents No. 4 and 5 was accepted. The prime consideration was to provide Computer Literacy to the students which included computers, staff and full training programme. Therefore, the agency was required to supply five computers with keyboards, 14" Colour Monitor, Mouse, Mini Tower Cabinet, Two USB, Fart in Cordless, One serial Parallel, One Game Port, One 1.44 FDD, 4.3 GB DMA Ultra HDD, Ultra DMA 66 HDD Controller,

Supports Windows 98 Multiple Display, 2 x AGP (2.0 REV), VGA Shares 8 M.B., Hardware Monitor, PC-97/98 Bulletin, VX-Pro 2 MB Flash ROM for ACPI, 32 MB PC-100 RAM, EXP to 768 MB, upgradeable to P-III 600 MHZ, twin Slot Socket, 370/ SLOT one Flexible CPU Sel., Intel Celeron-400 MHZ PPGA CPU and one Dot Metrics Printer 132 Col. 24 Pins, 300 CPS., CVT 2.0 Kva. The Agency was also required to provide operating software i.e. MS-DOS (01), Windows 98(01) including the service for above 5 Computers Sets and other necessary material supplied by the Agency. The service includes one full time Computer Instructor in each School to conduct the Computer Classes for one year maintenance of Computer Hardware and Training of selected School Teacher. Under the Scheme total 115 Computers were installed in 23 Schools of District Bhind.

6. It is further submitted by the respondent No. 2 that he took special precaution in order to avoid mis-utilisation of public money and in furtherance thereof checked the rates for computer literacy scheme implemented by the Government of India through Electronics Trade and Technology Development Corporation Limited. From the letter dt. 6.6.1997 of the then M.P. from Khargone Constituency, it was clear that for implementation of Computer Literacy Scheme, the Government Agency is not necessary. After installation of Computers by the fixed agency, the same were verified from the Head of the Institutes. Further more making before the final payments it was again verified from the Institute whether the Training Programme is implemented satisfactorily or not. Oscar Communications completed all the relevant supplies, however, Computer Studies and Services did not complete the entire supply. The remaining supply of equipment and necessary items for four schools was made by the another agency and as a consequences thereof answering respondent also withheld a sum of Rs. 8 lakhs from the respondent No. 4, which was utilized for completion of work of the aforesaid scheme.

7. This Court vide order dated 11.9.2006 directed the Divisional Commissioner, Gwalior to hold an preliminary enquiry into the allegations made by the petitioner in the petition and submit the report. Commissioner Gwalior Division enquired and has submitted its report on 18.1.2007 and thereafter the respondent No. 3 has filed its reply on 3.5.2007 and thereafter on 19.8.2007 respondent No. 4 has filed its return. Shri D.P.S. Bhadoria appeared for respondent No. 5 and argued, but he has neither filed return nor submitted his vakalatnama for the respondent No. 5.

8. In the return, Respondent No. 3 has also taken preliminary objection regarding the maintainability of the PIL. It was submitted that the petitioner is having a criminal background and a criminal case u/s 307 IPC is pending against him and the petition is motivated by opposite political party. It is submitted that the Parliament has framed Member of Parliament Local Area Development Scheme (MPLAD). The guidelines are framed, which were periodically upgraded. Copy of the guidelines have already been filed by the respondent No. 2. As per the guidelines, the respondent No. 3 was required to recommend the works in

his constituency. Thereafter district authority was required to get the eligible sanctioned works executed as per established procedure laid by the State Government for implementation of such works under Special Scheme subject to the provision in the guidelines. The implementation of the of the sanctioned work was to be done by District Authority through the Implementing Authority capable to execute the eligible work qualitatively, timely and satisfactorily. The District Authority is further required to follow the established works, scrutiny, technical work estimation tendering and administrative procedure of the State/Union Government concerned in the matter of work execution.

9. In the reply it was further submitted by the respondent No. 3 that proposing the work to be done through a particular agency was based on the certificate dated 3.3.1998 of Collector Bilaspur. The quotations were invited, which was done by respondent No. 2 and after considering credential of the contractor based on the certificate of the Collector Bilaspur offers and quotations were considered by the respondent No. 2 after comparing the same from the rate given by the Government Agency. The first contract was given for 4.99 lacs and this cost was including the supply of five computers with key board and other material as has been mentioned supra in the return of respondent No. 2. The implementing agency was required to provide operating software MS - DOS (01 Windows 98) including service for above five computers sets and other necessary material. The agency was further required to provide the full time computer instructor for each school to conduct the class and one year maintenance of computer hardware and training to select school teachers and for that he was to provide the staff and full training programme. It was the contention of the respondent No. 3 that except to make the recommendations, the answering respondent No. 3 was not required to monitor the implementation of the scheme. The scheme was implemented in the year 1999 and no complaint was made by the petitioner. Such a petition can not be heard as PIL. It is a privilege of the parliament and its members and if any complaint is required to be made i.e. to be made to the concerned committee constituted by the Parliament. It has been specifically mentioned that the petitioner was demanding 10% amount of the total works order from the answering respondent and the same was not given, therefore to take revenge the present petition has been filed and the petition is liable to be dismissed as has been filed on malafide considerations. It is also submitted that the Commissioner Gwalior Division has submitted its report on 18.1.2007 after enquiry, but said report has been submitted without proper application of mind to the relevant facts and other considerations. The report is bad in law and various objections about the aforesaid report have been raised.

10. It is true that the petitioner has not filed any rejoinder and has not denied the serious allegations made by respondent No. 3 in its return against petitioner about demand of 10% amount of the total work, which apparently reduces the force of the submissions made by the petitioner.

11. In the return filed by respondent No. 4 there is nothing particular except that

the allegations are false and incorrect. Respondent No. 4 is neither a bogus firm nor any defaulter of income tax or audit. It was pleaded that the firm is paying income tax regularly. In the year 1999 the firm entered into an agreement with Collector District Bhind for carrying out implementation of the Computer Education Project under the Member of Parliament Local Area Development Scheme. After four months of work done by the respondent firm without any consultation or notice, his contract was canceled and the respondent No. 4 had done entire work as per terms and conditions of the contract. Respondent is a reputed firm and is carrying out Computer Education Programme in various districts under MPLAD scheme.

12. The Commissioner Gwalior Division has submitted its report on 18.1.2007 and it was found that as per the administrative sanction, 115 computer sets were to be installed in the schools. In the cost of the project, cost of accessories, other material and training was also included. Other terms and conditions of the administrative sanction was for computer room, electricity and furniture and no separate sanction is provided, but it was stated that the implementing agency has to arrange the aforesaid infrastructure at its own cost. The implementing agency shall obtain the verification certificate from the Principal about the implementation of the project and establishment of lay out and training programme. Regarding the valuation of the project implementation, verification shall be got done from the independent agency within three months. Commissioner found that in the matter of quality, determination of price and on the question of responsibility, the strict principle of transparency was not followed. On those points, guidelines are also not clear. Respondent No. 2 and 3 have made allegations against each other and both have justified their action. Respondent No. 3 also traveled beyond his jurisdiction and has not only recommended the work but also recommended about the agency and has also determined the cost of the project, which was on higher side. He was not required to determine the price. It is true that there was no restriction for getting the work executed from a private agency. Therefore, the price should have been determined by the State Government after following the due procedure. He was also of the view that the price of the computers, which were purchased in the year 2000-01, can not be compared with the present price of computers as the same is falling gradually. He found that this contention of the M.P. was logical that if his proposal was contrary to the rules, it was the duty of the Collector to amend it or to bring the same in his notice or he should have not implemented and there was no malafide on the part of the M.P. for providing computers to the Schools for computer education for the children and it was the duty of the district authorities to follow the rules and procedure. It was also found that the computers, which were supplied, were not of reputed mark or of a famous mark, therefore it was difficult to assess their price. He has suggested that the computers are not in working conditions and they are not being used, furniture has also not been provided and so far as the training is concerned, no training was provided to any teacher. Therefore, in the report his suggestion was that

respondents No. 4 and 5 those who are the implementing agencies, be directed to upgrade all the computers which were supplied by them to 23 schools. They should be make workable and be updated and upgraded at the cost of respondents No. 4 and 5 within a period of three months and they should also give training as per terms and conditions of the works order of the contract. Verification of work done as per quality be done from the institute of Information and Technology Management, Gwalior, failing which criminal action can be taken against implementing agency.

13. We have heard the learned Counsel for the parties, considered their contentions, perused the pleadings and documents on record and have also considered the report submitted by the Commissioner.

14. First of all it would be useful to consider the preliminary objections raised by the counsel for the respondents. Their first objection is that petition is politically motivated and the petitioner is an advocate and is a General Secretary of Madhya Pradesh Kisan Congress and he is also having a criminal background and a case u/s 307 IPC is registered against him. Their second objection is that the purchases were made in the year 2000-01, but the petition has been filed in the year 2006. Petitioner himself has admitted that there is some delay in filing the petition as he could not collect the papers in time.

15. Merely because the petitioner belongs to some political party and the respondent No. 3 belongs to opposite political party and the petitioner is facing some criminal case, it cannot be said that the petition is not maintainable or petitioner is not having any locus. In our opinion, in the light of the Commissioner's report that the M.P. himself has not followed the rule and was involved in fixing the agency and allotting the work and there is no proper supply of computers by the respondent No. 4 and 5, it can not be held that the petition is not maintainable or petition has been filed on political or caste rivalry. Therefore, it will not be proper to hold that this is not a PIL or it has been filed with malafide intention or the petitioner is not having any locus. Though the petition has been filed after 5 years and was liable to be dismissed on this ground but looking to the material placed on record it will also not be proper to dismiss the petition on the ground of delay and laches, but can be disposed of with some directions.

16. It is true that under the Member of Parliament Local Area Development Scheme (M.P.L.A.D.), respondent No. 3, who is the M.P. of district Bind, implemented Computer Literacy Scheme" in district Bind and provided money for that purpose. Under this scheme, 23 schools were selected for giving computer education to the children by M.P. himself. The object of this work was very pious. The students of rural schools were to get computer education and money was provided by respondent No. 3 from the MPLAD scheme. To some extent it may be true that this is a special scheme and as per the circular issued by the State Government of M.P. on 28.11.1997 to all the Collectors, implementing agency has to be selected by the Collector. There is nothing in the

scheme as well as in the circular that tenders should be invited or the work should be got done from the govt. agency. This contention is also not true that financial procedure of the State was also required to be followed as pleaded by the petitioner. There is nothing wrong if any suggestion was given by the M.P. for selecting the agency on the basis of the experience of the agency and also on the basis of that the agency has performed some work in the other districts like Bilaspur or Khargone. In fact under the special scheme the M.P.s are having their choice in selecting the project as well as work under the aforesaid MPLAD scheme in their parliamentary constituency. It is admitted on behalf of the respondent No. 2 and 3 in their return that it is the duty of the district authority to implement the scheme and the work recommended by the M.P. and the implementing agency had to execute the work qualitatively, timely and satisfactorily. From their pleadings, it is also clear that the items were to be supplied by the implementing agency and to provide one computer instructor to each school to conduct the computer classes, maintenance of computer hardware system during the contract period Respondent No. 2 has mentioned in its return that agreement, was executed by respondents No. 4 and 5. The State has also submitted that as per terms and conditions the respondents No. 4 and 5 companies had given warranty and guarantee to repair and replace the computer sets in case of any technical default or non working. All other terms and conditions have been mentioned in the agreement, which is on record. It was pleaded that the responsibilities lie on the respondent No. 4 and 5, who will repair and replace the computers. From the report submitted by the Commissioner it is clear that on enquiry it was found that computers are not in working conditions, no training was provided to anyone by the implementing agency. Still some computers are lying unused, some of them were found in a bad condition. It was also found that no computer furniture was provided to the schools. No proof was found that any training was given either to the teachers or to the student.

No infrastructure was provided to give training to the students. From this report, it appears that in this case though the money was provided from the MPLAD scheme and implementing agency was also fixed, but it appears that the implementing agency has not implemented the scheme properly and respondent No. 2 has not properly discharged its duties and supervised the supplies etc. The purpose of the scheme is to provide knowledge and training to the students in computer and specially to the students of the rural areas and that was for the benefit of the students.

Though the object of the scheme was pious but unfortunately it could not be implemented with the pious intention and every body was involved to gain personal benefit out of the same.

17. On perusal of the return submitted by the respondent No. 2 he has accepted that it was the duty of the District Authority to see that the scheme is implemented properly. It was also the duty of the district authority to see that

the work is implemented qualitatively, timely and satisfactorily. In view of the enquiry report of Commissioner, the reply of respondent No. 2 is fanciful and is not reliable. We are not satisfied with the reply of the respondent No. 2 that respondent No. 4 and 5 have supplied the proper and qualitative material to the schools or after installation of computer they were verified by the Head of the Institution or before making the final payment to the agency installation was properly verified and it was also verified that the training programme was implemented satisfactorily. It appears that verification report from the head of the Schools have been obtained without proper verification and the programme could not be properly implemented because of the lack of supervision by respondent No. 2. His reply is contrary to the report and documents on record. The respondent No. 2 can not be absolved from his responsibility and liability.

18. In fact in this case the role of the State Government is also not fair. When complaint was received by the State Government, government has also not taken any disciplinary action against respondent No. 2. It was the duty of the State Government to direct for proper enquiry, but during last so many years the State Government has not directed any enquiry to be conducted by independent agency, nor the Government bothered to see that proper and standard quality of computers are supplied to the Schools and the computers remained functional in the schools and proper computer education is given to the students. Even government officers have not inquired whether the computer Literacy scheme has been properly implemented in the schools or not. As per the terms and conditions of the agreement, school had to provide dust free room for the installation of the Computer, furniture for the computer room, electrical fitting and outlets for stabilized electricity power, enrollment of adequate students (250 per year for the computer course) etc. but there is nothing in the return of the State that when and in which school these facilities were provided by the Government. It was also the duty of the school to make arrangements for safety of hardware and software and consumable goods. Therefore, there is nothing in the return on behalf of the State Government that when these facilities were provided to those 23 schools and if the Government has not provided the facilities, it means that the Government has also not taken any interest in providing infrastructure to the schools and no money or funds were allotted to the schools. Now under Article 21A now right to education to all children between the age group of six to fourteen is a fundamental right and it is the duty of the State to provide free and compulsory education to them. Therefore, the Government also can not be absolved from its liability in not implementing the scheme properly and providing quality education to children. The return filed by the Government and stand taken therein is nothing but fanciful and like eyewash.

19. It is also surprising that when the respondents No. 4 and 5 have not supplied the genuine computers and accessories, then why the State Government has not taken any action against the respondents No. 4 and 5 for blacklisting them. It was argued that these agencies have performed work in other districts, but it appears that the Government has also not made any enquiry in the matter of

supply made in other districts. Therefore, the action on the part of State can not be said to be proper along with others.

20. It was argued that the matter be referred to some agency for enquiry and investigation to fix responsibility and to prosecute them. No doubt in such case such steps can be taken but our consideration is that what would be the fate of computer literacy scheme to the school of rural areas. Though it was the duty of the implementing agency to supply qualitative material of some standard company operating in the field of computer supply like IBM, HCL but from the report of Commissioner it is clear that the respondents have not supplied the computers of standard company or quality to the school, therefore neither the students could get computer education nor their actual price could be determined.

21. No doubt there is a vast difference in the present and past price of computers as the price of computers has come down gradually. In the year of 2000-01 computers were very costly and now a days they are very cheap and now they are affordable even by middle class families and computers have become necessary for every family and for every student specially in the schools with a view to resolve controversy in the best interest of students and education. Commissioner in its report has also made a suggestion that before directing for criminal enquiry, respondents No. 4 and 5 should be directed to update and upgrade the computers to make them operational and functional and either all the computers should be repaired or they should be replaced as per guarantee or warranty Respondents No. 4 and 5 should be directed to complete the project by providing accessories and training as per the terms and conditions of the work order as well as agreement.

22. After considering the various other factors on record including delay in filing petition and looking to the interest of the schools and children as the paramount interest of the scheme is that the school should get computers and children should get computer education, otherwise the purpose of the same would be frustrated. Therefore, in the over all interest of the matter, at this stage we accept the suggestion made by the Commissioner, that the computers be updated and upgraded technically and they should be brought in operational and functional conditions, computers may be repaired or replaced material and furniture be supplied and they should be used in the schools and computers education should be provided to the children in all 23 schools including training. When respondent No. 3 has selected 23 schools of his constituency for Computer Literacy Education, it became his moral duty to see that the students of those 23 schools will get computer education and for that purpose the computers should remain upgraded and updated always in the interest of the aforesaid Scheme as well as education.

23. As we have held above that it was the duty of the respondents No4 and 5 implementing agencies to implement the scheme and duty of respondents No. 2 and 3 was to see that Scheme is implemented in proper manner and in rightful spirit, therefore we dispose of this petition with the following directions:

1. That the respondents No. 4 and 5 shall update and upgrade, repair/replace the computers, its accessories which are not in workable condition like Keyboards, Monitor, Mouse, Mini Tower Cabinet, controllers, windows, multiple display, printers, operating software and hardware and other necessary materials etc., whichever is necessary for the proper operational functioning of all the 115 computers in all 23 schools within four months so that they may be ready for computer education for the next session on the same cost already paid to them.
2. That the respondents No. 4 and 5 shall also provide the facilities as per terms and conditions of the agreement. They will also provide the computer training to the teachers as well as to the students for a period of one year (for ten months session) from the next session of the schools starting from April 2008 on the same cost, which they have already received.
3. That it shall be the personal responsibility of the respondents No. 2 and 3 to see that the order is complied with by respondents No. 4 and 5 and scheme is implemented, the computers and all other accessories as stated above either are repaired or replaced, updated and upgraded and they are made in working order and they are actually used in the schools in the next session.
4. That it is made clear that the computers, which are not repairable, shall be replaced by the computers of standard company like IBM or HCL or any other reputed company including all its accessories. Material installed shall be initially checked by a committee consisting of Collector, District Education Officer and Principal of the School and thereafter it be got verified from some Government Agency appointed by the Government. It shall also be the responsibility of respondents No. 4 and 5 to maintain aforesaid computers for a period of one year as per the original agreement.
5. That it is further directed that for the purposes of computer literacy scheme all the 23 schools shall be treated as adopted by the respondent No. 3. It shall be the personal responsibility of the respondent No. 2 and 3 that the computer education will continue in those 23 schools continuously for years to come and students of those schools will continue to get regular computer education and that scheme shall be made workable permanently. The respondents No. 2 and 3 will visit all the institutes once in a year at their own expenses and submit their report to Collector Bhind. If any money would be required for improving the computer programme in 23 schools, the respondent No. 3 shall provide further money for the maintenance/change/ replace of the computers from MPLAD fund till respondent No. 2 is in government job and respondent No. 3 is M.P. Respondents Nos. 2 and 3 shall continuously monitor and give suggestion and see that the deficiencies in the "Computer Literacy Scheme" of the schools are removed with their help.
6. That the respondent No. 1 State is also directed to provide necessary fund to all the 23 schools within three months for construction of dust free rooms and fund for fixed assets, furniture, accessories, electricity fitting, cabling and also for

recurring monthly expenditure for electricity etc. and thereafter for every year government will provide amount for maintenance of fixed assets to the schools. State Government shall declare all the 23 schools as ideal and make them ideal school in the matter of providing education to the children.

7. In addition, the respondents are directed to take appropriate disciplinary action against respondent No. 2 and recover losses.

8. That it is further directed that in case this order is not complied with or the computers are not repaired/ replaced, updated or upgraded by respondents No. 4 and 5 nor made ready and training is not provided and they are not made operational and functional within four months, respondent State shall refer the matter to the E.O.W. for investigation and further action in the matter in accordance with law.

24. A copy of this order be forwarded to the Chief Secretary, Secretary Department of Education M.P. and Collector Bhind for compliance.