

(2006) 07 PAT CK 0071
In the Patna High Court
Case No : CWJC No. 7159 of 2006

Bihar State Private Teachers" Training College Association	APPELLANT
Vs	
The State of Bihar and Others	RESPONDENT

Date of Decision : 04-07-2006

Acts Referred:

Citation : (2006) 3 PLJR 358

Hon'ble Judges : J.N. Bhatt, C.J.; Shiva Kirti Singh, J

Bench : Division Bench

Advocate : Jyoti Sharan, Suresh Chandra Giri, for the Appellant; Lalit Kishore, for the Respondent

Judgement

1. We have heard the learned counsel appearing for the parties and considered the prima facie facts, as well as, reliefs sought for in this application to the effect that the order contained in memo No. 364 dated 1.6.2006 (Annexure 4), whereby and whereunder vigilance inquiry was entrusted to the Vigilance Investigation Bureau by the State Government for the purpose of maintaining parity in the matter of investigation, be quashed. The petitioner, Bihar State Private Teachers" Training College Association, wants that the vigilance inquiry should be stopped. What a paradoxical phenomenon? The petitioner Association, which is supposed to espouse and champion the causes leading to purity, transparency and better further of the Country, is seeking, prima facie, for clouding the direction of the Government for vigilance inquiry into the alleged misuse and illegalities, perpetrated earlier by the private teachers" training colleges. Unfortunately, in this behalf the Bihar has a very bad past. In this context asking by such a petitioner Association to stop the vigilance inquiry, directed by the Government to unearth the alleged wrongs, illegalities and misdeeds of such colleges, obviously, would be a great shock to the conscience.

2. Although, we have, prima facie, found that there is no merit in this petition but in order to ascertain the motivated action or the reason which has prompted the petitioner Association to come to this Court by invocation of the

Constitutional writ jurisdiction and, for our satisfaction of the alleged facts, we propose to issue the following directions:-

(i) The person who has sworn the affidavit in support of this petition shall remain present in person on the next date at 11 a.m. alongwith the copies of the Constitution of the Association with registration number, if at all, such Association is registered, either as trust or society or under any other law;

(ii) The activities of this petitioner Association for last three years shall be highlighted by the deponent to this affidavit in the form of an affidavit. He shall also produce alongwith this, balance sheet for last three years of the petitioner Association;

(iii) The president of the petitioner Association is also directed to highlight in the affidavit, the number of members of this Association and produce the register of the members maintained by the Association;

(iv) The affidavit shall also indicate as to whether the accounts of the Association are audited or not. In either case the deponent shall produce five years" account of the Association on the next date

(v) The respondent authority is also directed to file an affidavit highlighting why and under what circumstance the vigilance inquiries have been directed, against whom, since when, and the status till the next date, sworn by a responsible person.

3. Put Up on 17.7.2006. Let a copy of this order be given to the learned counsel for the parties.