

IN THE HIGH COURT OF UTTARAKHAND

AT NAINITAL

HON'BLE THE CHIEF JUSTICE MS. RITU BAHRI

AND

HON'BLE SRI JUSTICE RAKESH THAPILYAL

WRIT PETITION (PIL) NO.29 OF 2021

Pooran Singh Negi

....Petitioner

Versus

Secretary Department of Secretary Education, Government of  
Uttarakhand & others

...Respondents.

Counsel for the Petitioner	:	None present for the petitioner
Counsel for the State/1 to 4	:	Ms. Mamta Bisht, learned Deputy Advocate General.
Counsel for the Respondent No.5	:	Mr. Anil Kumar Bisht, learned counsel

The Court made the following:

JUDGMENT: (per Hon'ble The Chief Justice Ms. Ritu Bahri)

In the present Public Interest Litigation, the respondent has referred to an Inquiry Committee Report dated 22.06.2020, where findings have been given that there was an illegality in purchasing of articles of smart class sets installed in 49 schools in the District, and the respondent no.4, had guilty for the said corruption. The Director General Secondary Education vide its letter dated 29.01.2021, had recommended the office of respondent no.1, to take appropriate legal action against the erring officials.

2. On notice of this PIL, as per counter affidavit filed by the Chief Secretary, Government of Uttarakhand, dated 03.01.2023, as per the report given by the three member

committee dated 22.06.2020, it was found that Shri Madan Singh Rawat, the then Chief Education Officer was found guilty, and thereafter, the matter was referred to the State Government to take action as per law. The Officer was chargesheeted, and thereafter, he was demoted on the post of Deputy Director, which is one post lower than the post presently held by him, vide order dated 22.12.2022, Annexure no.1 to the writ petition. Further, inquiry was also marked to the Vigilance Department, to find out the reasons for delay in taking the decision, in which 5 departments of the Government were involved. Order dated 23.12.2022, Annexure no.2 to the writ petition.

3. Thereafter counter affidavit has been filed on 01.07.2023 by Secretary, School Education, Government of Uttarakhand, Dehradun, with respect to the delay. On inquiry Shri Sunil Kumar Lakhera, the then Section Officer, Secretary Education, and one Shri Rama Shankar Singh, the then Review Officer, Secondary Education, were found guilty. A letter was sent on 24.03.2023 to the appointing authority, Secretary, Secretariat Administrative Department, Uttarakhand, to take action against these officials. This letter is Annexure no.3. There was an inquiry, and as per the inquiry report there was delay of 240 days at the level of the Rural Development Department, and the Secretary Rural Development Department, was also requested to take action

at his level vide letter dated 24.03.2023 (Annexure no.4 to the writ petition). As per inquiry report dated 24.03.2023, Annexure no.5, there was a delay of 54 days caused by the office of Director General, School Education.

4. Pursuant to this, a strict warning has been given to Shri Sunil Kumar Lakhera, the then Section Officer, Secretary Education, and one Shri Rama Shankar Singh, the then Review Officer, Secondary Education, vide its office memorandum dated 19.05.2023, Annexure no.6, and as per the letter sent by the Rural Development Department dated 06.06.2023, Annexure no.7, the delay was natural, and it could not be said that there was any deliberate delay at the level of the Rural Development Department. As per the Director General, School Education, the inquiry report was kept in a drop box on 04.05.2021, due to Covid 19 pandemic, and the work of the disbursement was done by Shri Yaduveer Singh Negi, who retired on 31.03.2022.

5. Since appropriate steps have already been taken for the cause of delay as it was evident from the affidavit of the Secretary, School Education, Government of Uttarakhand and punishment has also been given to the officers, as it was evident from order dated 22.12.2022, Annexure no.1, and order dated 23.12.2022, Annexure no.2, along with affidavit

of Chief Secretary, Government of Uttarakhand, no further directions are required to be given in this PIL.

6. In view of the above, the PIL is disposed of accordingly.

(RITU BAHRI, C.J.)

(RAKESH THAPLIYAL, J.)

Dated: 30<sup>th</sup> April, 2024

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