

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15045 of 2013

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Vikash Chandra Guddu Baba, son of late Ramashray Prasad Singh, resident of
Kurji Balu Par, P.O. - Sadaquat Ashram, P.S. - Digha, District – Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Health, Government of Bihar, New
Secretariat, Patna.
4. The Director-in-Chief, Health Services, Government of Bihar, New Secretariat,
Patna.
5. The State Drug Controller of Bihar, New Secretariat, Patna.
6. The Superintendent, Patna Medical College and Hospital, Patna
7. The Senior Superintendent of Police, Patna
8. The Officer in Charge, Pirbahore Police Station, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vikash Chandra Guddu Baba (in person)

For the Respondent/s : Mr. Anjani Kumar, AAG-6

Mr. Shailendra Kumar Singh, A.C. to A.A.G.-6

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE GOPAL PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 19-01-2015

The concern of the petitioner is about unsatisfactory
state of affairs that was prevailing in the Patna Medical College and
Hospital. He submits that though quite large number of items of

machinery and equipment have been installed in the Hospital for the purpose of either testing or giving treatment, many of them have become dysfunctional and thereby the patients are put to hardship. He alleges gross negligence on the part of the administration in this context.

This Court took up the matter and issued directions from time to time. More than a dozen counter affidavits have been filed apprising this Court of the steps taken from time to time. In the counter affidavit filed on 22.12.2014 it was mentioned that 276 items of machinery or equipments are functioning and 151 are non-functional. In the counter affidavit which is filed today, it is stated that substantial number of machines, which were non-functional, have been repaired and as regards other, the process of procuring spare parts or feasibility of its replacement is taken up. It is also stated that the Government has been approached for allocation of funds.

Heard Sri Vikash Chandra Guddu Baba in person and Sri Anjani Kumar, learned Additional Advocate General-VI for the respondents.

We quite appreciate the lead taken by the petitioner, for ensuring that important medical facilities created by the State, are put to use, properly. For variety of reasons, not only the Government



Hospitals at Patna, but also in various parts of the country are subjected to gross negligence and the service rendered therein is not at all satisfactory. On account of initiative taken by the petitioner and the orders passed by this Court from time to time, the respondents have made substantial improvement in the functioning of the Hospital. We impressed upon them about the necessity to make the remaining facilities also, functional. The financial constraints need to be overcome and the funds are required to be allotted by the Government.

Having regard to the facts and circumstances of the case, we dispose of the writ petition, fixing three months time for the respondents to make all the facilities available and functional in the premises of the Hospital. The Government, in turn, shall make available, the required funds. It is needless to mention that the Superintendent and other Heads of the Departments shall ensure that the facilities which are made functional, do not suffer any detriment and their function is ensured uninterrupted.

The arrangement which is now made for monitoring of the work by the Deputy Superintendent of the Patna Medical College and Hospital, as a Nodal Officer, shall continue till all the facilities are made functional.

Interlocutory application, if any, shall stand disposed of.

There shall be no order as to costs.

(L. Narasimha Reddy, CJ)

(Gopal Prasad, J)

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