

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12920 of 2013

Sudhir Kumar Ojha, Son of Sri Krishnadeo Ojha, Resident of Village- Lahladpur
Patahi, P.S.- Muzaffarpur Sadar, District- Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Home (Special) Department, Government of Bihar, Patna.
3. The Principal Secretary, Health Department, Government of Bihar, Patna.
4. The Director-in-Chief, Health Services, Bihar, Patna.
5. The Executive Director, State Health Society, Bihar, Patna.
6. The District Magistrate, East Champaran at Motihari, District- East Champaran at Motihari.
7. The Civil Surgeon-cum-Chief Medical Officer, East Champaran at Motihari, District- East Champaran at Motihari.

.... Respondents

Appearance :

For the Petitioner : Mr. Vijay Kumar Singh, Adv.

For the Respondents : Mr. K.K. Sinah, Adv.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 23-02-2015

The petitioner claims to be a public spirited citizen. His grievance is that the Civil Surgeons-cum-Chief Medical Officers in the various parts of the State have purchased medicines at rates in excess of the maximum retail prices, and thereby caused huge loss to the State. As example, the petitioner submits that the 7th respondent, Civil Surgeon-cum-Chief Medical Officer, West Champaran, purchased medicine “Mifepristone 200 M.G.” at the rate of Rs.116 per unit, whereas the wholesale rate thereof is just

Rs.43. Similar instances of purchase of other medicines have also been provided. Ultimately, the petitioner prays for entrustment of investigation and enquiry to Central Bureau of Investigation into the matter.

On behalf of the respondents, a counter affidavit is filed. It is stated that the purchase of medicines has been made in accordance with prescribed norms, and that there is no truth in the allegations of the petitioner.

Heard Shri Vijay Kumar Singh, learned counsel for the petitioner, and Shri K.K. Sinha, learned counsel for the respondents.

The concern of the petitioner is that public funds are wasted by purchasing medicines on higher costs. If what is stated by the petitioner is true, it is certainly a matter of concern. The respondents pleaded that every item of medicine was purchased only by floating tenders and not privately.

Be that as it may, in case the petitioner finds any specific acts of illegality in the matter of purchase of medicines, he can certainly make a representation before the higher authority of the State who, in turn, can get the matter enquired into and take necessary action.

A general direction, as prayed for by the

petitioner, cannot be issued. We therefore, dispose of the writ petition leaving it open to the petitioner to make a representation referring to specific instances to the authorities. As and when such representation is filed, the authorities shall take necessary steps in accordance with law.

Interlocutory application, if any, stands disposed of.

There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(Vikash Jain, J)

K.C.jha/-
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