

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14347 of 2014

=====

Dhirendra Kumar, Son of Sri Suresh Prasad Singh, resident of Chanakyapuri Colony, Gaya, Police Station Rampur in the district / town - Gaya

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna
2. The Principal Secretary, Health Department, Government of Bihar, Patna
3. The Director-in-Chief, Health Services, Bihar, Patna
4. The Commissioner, Magadh Division, Gaya
5. The Regional Deputy Director, Health Services, Magadh Division, Gaya
6. The District Magistrate-cum-Collector, Gaya
7. The District Magistrate, Aurangabad

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Sunil Kumar, Advocate

For the Respondents : Mr. Alok Kumar Rahi, AC to AAG 2

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 23-03-2015

The Government Hospitals have become victims of the negligence on the part of the authorities of the State Government on the one hand and motivated and collusive acts on the part of the private individuals and agencies on the other hand. Ultimately, sufferers, in the process, are the private individuals who cannot afford to approach the private hospitals for treatment.

2. Over the period, no regular appointments are being made, not only for cleaning and maintenance of the hospitals but also for clinical purposes, and these important works are being attended to through outsourcing. Such steps have been taken for maintenance of the primary health centres and additional primary health centres in the



district of Gaya in the year 2012. The petitioner approached this Court by filing CWJC No.5272 of 2014 alleging that works were allotted to various agencies without following the prescribed procedure. In compliance with the directions issued by this Court, the matter was enquired into and enquiry report was submitted by the authority. Ultimately, it was stated that the allotment of works in the year 2012 was cancelled on the ground that the prescribed procedures were not followed. It is stated that for allotment of works in the year 2014, fresh tender notice was issued on 26.01.2014 and 01.03.2014 and the agencies were selected after evaluation of their merits. Out of 19 tenderers, 8 have qualified, and were found fit in the technical and financial bid.

3. This writ petition is filed alleging that the very agencies who were allotted works in the year 2012, were again awarded contract works in the year 2014 also. It is stated that the respondents did not follow the norms and prescribed procedure for allotment of works.

4. On behalf of the respondents, a detailed counter affidavit is filed. It is stated that the allotment of works in the year 2014 was made strictly in accordance with the prescribed norms and the petitioner is indulging in filing unnecessary petitions.

5. Heard Sri Sunil Kumar, learned counsel for the petitioner and Sri Alok Kumar Rahi, learned AC to Additional

Advocate General No.2 for the State.

6. There was some truth in the allegation as to the allotment of works in the year 2012. Whatever may be the reasons which prompted the respondents for allotting the works without inviting any tender notice, they have been cancelled on the objection raised by the petitioner. During the pendency of the earlier writ petition itself, a tender notice was issued and agencies were selected for allotment of works.

7. The present writ petition reveals that the petitioner has an oblique motive to ensure that no one is allotted works and hospitals undergo hardship, even in respect of routine works of cleaning, maintenance and emergency works. It is on account of indiscriminate filing of the writ petitions by the persons like the petitioner, that the conditions of the hospitals are deteriorating further and thus ultimately beneficiaries are the private hospitals.

8. We do not approve the conduct of the petitioner. He is warned not to indulge in such practices. Accordingly, the writ petition is dismissed. There shall be no order as to costs.

9. The interlocutory application, if any, shall stand disposed of.

(L. Narasimha Reddy, CJ)

(Vikash Jain, J)

B.T/-

U			
---	--	--	--