

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6417 of 2016

- =====
1. Janardan Prasad Sah, Son of Late Ram Chandra Sah, resident of Ward No. 6, Nagar Panchayat Sheohar, P.S. & District – Sheohar.
 2. Shatruhan Sah, Son of Late Mithnu Sah resident of Ward No. 3, Nagar Panchayat Sheohar, P.S. & District - Sheohar
 3. Md. Husnain, Son of Late Tabarak Hussain, resident of Ward No. 9, Nagar Panchayat Sheohar, P.S. & District - Sheohar
 4. Bashisth Raut, Son of Late Dharkhan Raut, resident of Ward No. 8, Nagar Panchayat Sheohar, P.S. & District - Sheohar

.... Petitioners

Versus

1. The State of Bihar, through the Principal Secretary, Department of Health, Government of Bihar, Patna
2. The Principal Secretary, Department of Urban Development, Government of Bihar, Patna.
3. The Director - in - Chief, Health Services, Department of Health, Government of Bihar, Patna
4. The Joint Secretary, Department of Health, Government of Bihar, Patna
5. The Director, Rajya Swasthya Samiti (State Health Committee), Department of Health, Bihar, Patna
6. The District Magistrate - Cum - Chairman, District Health Committee, Sheohar.
7. The Civil Surgeon - Cum - Chief Medical Officer, Sheohar.
8. The District Health Committee (Rogi Kalyan Samiti), Sheohar through its Secretary - Cum - Deputy Superintendent, Sadar Hospital, Sheohar

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Rajesh Mohan

For the Respondent/s : Mr. Roy Shivajee Nath, AAG-3

=====

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH)

2 25-04-2016 The petitioners, with the help of this Public Interest Litigation, seek to challenge the Memo No. 207, dated 21.07.2014, of the District Magistrate, Sheohar, whereby he instructed the Respondent No. 7, the Civil Surgeon-cum-Chief Medical Officer,

Sheohar, to take necessary steps for transfer of Sadar Hospital, Sheohar, in the newly constructed, Saroja Sitaram Government Sadar Hospital, Sheohar.

The decision to shift a hospital in one building or the other is purely an administrative decision and the Court would not generally interfere with such a decision, unless and until it is perverse and based on extraneous considerations or *mala fide*.

In the instant case, the petitioners have not brought any material on record to establish that the decision has been passed without taking into consideration the relevant issues. The petitioners have also not brought on record anything to show that the decision is *mala fide* or based on extraneous consideration.

Situated thus, we find no merit in writ application and the same is, accordingly, dismissed.

(I.A. Ansari, ACJ.)

(Samarendra Pratap Singh, J.)

kunal/-

U		T	
---	--	---	--