

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8703 of 2016

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1. Ravindra Kumar S/o Late Jawahar Saw resident of Chandpur Bela, P.O. G.P.O., P.S. Jakkanpur, District Patna.
 2. Sunita Kumari @ Sunita Devi W/o Ravindra Kumar resident of Chandpur Bela, P.O. G.P.O., P.S. Jakkanpur, District Patna.
 3. Gaurav Kumar Nirala S/o Late Ved Vyas Nirala Village + Post Mahanand, P.S. Akbarpur, District - Nawadah.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Health Department having his office at Vikas Bhawan, P.S. Sachivalaya, District Patna.
2. The Superintendent, Patna Medical College and Hospital, P.S. Pirbahore, District Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukeshwar Dayal
Mr. Vikas Mohan

For the Respondent/s : Mr. Ravindra Kumar, A.C. to AAG-VI

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

6 10-08-2016 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek quashing of the order dated 30.03.2016, by which the telephone booths allotted separately to three petitioners running in the P.M.C.H. Campus have been cancelled because they were found to be selling other articles apart from the telephone services.

It is not in dispute that the cancellation order has been passed after giving show cause notices to the petitioners. However, considering the fact that all the petitioners are handicapped, in a supplementary counter affidavit filed today by the Superintendent, P.M.C.H., it has been stated that although the illegal action of the petitioners remained unchanged but taking a

lenient view of the matter on account of the handicapped condition of the petitioners, it has been decided that if the petitioners are ready to give fresh undertakings that they will not violate any conditions of the licence under agreement and will not indulge in any illegal/unfair means in future, then the case of the petitioners would be considered.

Learned counsel for the petitioners submits that the petitioners are ready to give their undertakings. He further submits that the petitioners will ensure that the telephone booths shall run in terms of the agreement and no attempt shall be made to otherwise rely upon the oral order issued by any authority unless such order is given in writing.

In view of the aforesaid stand of the parties and appreciating the lenient view taken by the Superintendent, PMCH in the given circumstances but also warning the petitioners not to indulge in any activity which is not permitted by the agreement except on specific written order of the competent authority, the impugned order dated 30.03.2016 is set aside in the light of the statement made by learned counsel for the petitioners, subject to the undertakings to be given as above, and further the observations and directions made in this order.

The writ application is, accordingly, disposed of.

(Ramesh Kumar Datta, J)

V.P.Sinha/-

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