

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No 1090 of 2013**

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Ran Vijay Kumar Proprietor H.N.Tours And Travels, Near Bus Stand, P.G. Road,  
P.O.+P.S.- Makhdumpur, District- Jehanabad

.... .... Appellant/s

Versus

1. The State Of Bihar through the Principal Secretary, Health, Govt. Of Bihar, Patna
2. The Assistant Director, R.C.H., Bihar State Health Committee, Bihar, Patna
3. The District Magistrate-Cum-Chairman, District Health Samiti, Jehanabad
4. The Civil Surgeon-Cum-Member Secretary, District Health Samiti, Jehanabad
5. The Chief Medical Officer, Primary Health Centre, Ratni Faridpur, Jehanabad
6. The Chief Medical Officer, Primary Health Centre, Okari, Jehanabad
7. The Chief Medical Officer, Referral Health Centre, Ghoshi, Jehanabad
8. The Chief Medical Officer, Primary Health Centre, Ghoshi, Jehanabad
9. The Chief Medical Officer, Primary Health Centre, Kako, Jehanabad
10. The Chief Medical Officer, Primary Health Centre, Sikariya, Jehanabad
11. The Chief Medical Officer, Primary Health Centre, Hulasganj, Jehanabad
12. The Executive Director, State Health Society, Sheikhpura, Patna, Bihar

.... .... Respondent/s

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For the Appellant/s : Mr Rajendra Prasad, Sr Advocate with  
Mr Binay Kumar Singh, Advocate

For State Health Society : Mr K K Sinha, Advocate

For the S t a t e : Mr Rajesh Kumar, AC to GP 10

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**CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH**  
**And**  
**HON'BLE JUSTICE SMT NILU AGRAWAL**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)**

**Date: 19-07-2016**

Heard learned Senior Counsel for the appellant who was  
the writ petitioner and learned counsel for the State.

2 The writ petition was filed challenging the order of  
premature termination of the contract for supply of Ambulance under  
the “102” Ambulance Service, as provided by the Government. The  
learned Single Judge examined the facts in detail and found that there

was no arbitrariness in premature cancellation. All that was done was that pursuant to change of policy at the level of the Central Government, the nature of vehicles that were to be used for such a service was changed. It is as a consequence thereof that the agreements with the petitioner-appellant virtually became redundant as, admittedly, he did not have the requisite vehicle. The change of policy cannot be challenged. It has not been shown to us that the change was in any way arbitrary or perverse. From the judgment of the Writ Court, which was dealing with two writ petitions and which had raised the same issue, two Letters Patent Appeals were filed, the present Letters Patent Appeal and one LPA No 913 of 2013. The latter was heard on merit and dismissed by judgment and order dated 26.03.2014.

**3** We have no reason to take a different view of the matter. Consequently, this appeal also stands dismissed.

**4** However, if there are any admitted dues of the petitioner-appellant payable by the District Health Society, Jehanabad (respondent No 4), the same must be paid within one month from today.

**(Navaniti Prasad Singh, J)**

**(Nilu Agrawal, J)**

**M.E.H./-**

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