

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.138 of 2013**

M/S IGE Medical Systems through Proprietor, Rakesh Kumar, S/O Late Mahangu Singh At Gala No.11, First Floor, Saphalaya Industrial Estate, Plot No.18, Survery No.126/P, Amlī Silvassa-396230 (U.T.), Dadara & Nagar Hveli, Presently At 703- Jagat Trade Centre, VIIth Floor, Fraser Road, Police Station- Kotwali, District Patna.

.... .... Petitioner/s

Versus

1. The Union of India through Secretary, Department of Health & Family Welfare, Government of India, New Delhi.
2. The Director Health, Planning Commission, New Delhi.
3. The Development Commissioner, Bihar, Patna.
4. The State of Bihar through Principal Secretary, Department of Health, Government of Bihar, Patna.
5. The State Health Society through its Executive Director, Parivar Kalyan Bhawan, Sheikhpura, Patna.
6. The Executive Director, the State Health Society, Parivar Kalyan Bhawan, Sheikhpura, Patna. l
7. The Administrative Officer, the State Health Society, Bihar, Parivar Kalyan Bhawan, Sheikhpura, Patna.
8. The Incharge Radiology & Pathology, the State Health Society, Parivar Kalyan Bhawan, Sheikhpura, Patna.

.... .... Respondent/s

With

**Civil Writ Jurisdiction Case No.166 of 2013**

M/S IGE Medical Systems through Proprietor, Rakesh Kumar Late Mahangu Singh At Gala No.11, First Floor, Saphalaya Industrial Estate, Plot No.18, Survery No.126/P, Amlī Silvassa-396 230 (U.T.), Dadara & Nagar Haveli, Presently At 703-Jagat Trade Centre, VIIth Floor, Fraser Road, Police Station Kotwali, District Patna.

.... .... Petitioner/s

Versus

1. The Union of India through Secretary, Department of Health & Family Welfare, Government of India, New Delhi.
2. The Director Health, Planning Commission, New Delhi.
3. The Development Commissioner, Bihar, Patna.
4. The State of Bihar through Principal Secretary, Department of Health, Government of Bihar, Patna.
5. The State Health Society, Bihar through its Executive Director.
6. The Executive Director, the State Health Society, Bihar.
7. The Administrative Officer, the State Health Society, Bihar.
8. The Incharge Radiology & Pathology, the State Health Society, Bihar.

Respondents 5 to 7 at Parivar Kalyan Bhawan, Sheikhpura, Patna-800014.

.... .... Respondent/s

**Appearance :**

(In CWJC No.138 of 2013)

For the Petitioner/s : Mr. Shravan Kumar, Sr. Adv. with  
Mr. Dinesh Maharaj

For the Respondent-Union : Ms. Kanak Verma, CGC

For the Respondent-State : Mr. Sunil Kr. Mandal. SC-24  
Mr. Bipin Kumar, AC to SC-4

For the State Health Society : Mr. K.K. Sinha

(In CWJC No.166 of 2013)

For the Petitioner/s : Mr. Dinesh Maharaj

For the respondent-Union : Ms. Kanak Verma, CGC

For the Respondent/s : Mr. Rajesh Kr.Verma, SC-27

For the State Health Society : Mr. K.K. Sinha

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN****ORAL JUDGMENT****Date: 11-01-2016**

Heard the parties.

What I find from the two writ petitions is that basically a contract entered in between the petitioner and the State Health Society with regard to installation of the Central Reporting System and making it operational has finally not taken its shape. The petitioner earlier came before this Court in CWJC No.17383 of 2010 making a prayer to direct the respondents for taking steps to implement the programme of the National Rural Health Mission as conceived by the State Health Society in its letter and spirit. The writ petition filed in 2010 was disposed of by a Bench of this Court on 10.4.2015 with a direction to the petitioner to file a comprehensive representation along with supportive document with the Executive Director of the State Health Society with respect to the surviving claims/grievance and which was to be disposed of by

the Executive Director in accordance with law within a period of three months from the date of filing of such representation.

The grievance of the petitioner was subsisting hence he again approached this Court in CWJC No.13390 of 2012, this time with a prayer to restrain the respondents from taking any coercive action against the petitioner in not making the Central Reporting System functional since it was the respondent themselves who had failed to discharge the obligation. The writ petition was disposed of on 1.8.2012 with a direction to the petitioner to raise his grievance in terms of Clause 8.2 of the agreement which inter alia provided the dispute to be raised by the aggrieved party before the Development Commissioner, Government of Bihar and who is to settle the same bearing in mind the provisions of Arbitration and Conciliation Act, 1996. The petitioner also filed CWJC No.18118 of 2012 being aggrieved by certain directives issued by the State Health Society. This writ petition was disposed of on 12.12.2012 with a direction to the petitioner to represent before the Principal Secretary.

According to Mr. Shravan Kumar, learned senior counsel appearing for the petitioner although the petitioner has represented before the authorities in tune with the directives of this Court but on account of inaction on their part in not disposing of the same as

directed by this Court, which has led to filing of the present writ petitions.

In so far as the present writ petitions are concerned, whereas CWJC No.138 of 2013 has been filed by the petitioner requiring a direction to the authorities of the State Health Society to perform their part of obligation in making the Central Reporting System operational by posting adequate number of Doctor/Radiologist, CWJC No.166 of 2013 has been filed by the petitioner being aggrieved by the allotment of contract by the State to another party and for initiating a parallel arrangement.

In my opinion the issues raised in both the writ petitions can well be looked into and considered by the Development Commissioner, Government of Bihar while considering the application of the petitioner filed under Clause 8.2 of the agreement in the light of the order of this Court passed in CWJC No.13390 of 2012. In case the comprehensive application filed by the petitioner raising all such issues has not been disposed of by the Development Commissioner as required under the directives of this Court passed in CWJC No.13390 of 2012 then the remedy for the petitioner as well as the forum for him, would lie elsewhere and not in writ jurisdiction. The petitioner cannot be permitted to raise the same very issue in successive writ petitions. The petitioner if so aggrieved

by the inaction of the Development Commissioner in not disposing of the contractual dispute raised by the petitioner under clause 8.2 of the agreement shall be at liberty to raise his grievance before the appropriate forum so available to him in law but not by filing writ petitions.

The two writ petitions are accordingly disposed of.

**(Jyoti Saran, J)**

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