

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.10303 of 2015**

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Nagrik Adhikar Suraksha Samiti, Begusarai, a registered Society under Society Registration Act through Mr. Janardhan Singh, the Secretary of its Makardahi Branch, Begusarai.

.... .... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Health & Family Welfare Department, Govt. of Bihar, Patna.
2. The Inspector General of Police, (Prosecution), Govt. of Bihar, Patna.
3. The Superintendent of Police, Begusarai.
4. The Collector, Begusarai.
5. The Treasury Officer, Begusarai.
6. Raj Kishore Choudhary, S/O Late Hari Narayan Choudhary, R/O village-Mungeriganj, P.S. & District- Begusarai, Store Keeper, Sadar Hospital, Begusarai.
7. Nand Kishore Pandit, S/O Not Known to petitioner Clerk, Sadar Hospital, Begusarai. At - Lohiya Nagar, P.S. & Dist.- Begusarai.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Amrendra Kumar Sinha No.-1, Advocate

For the Respondent/s : Mr. S. D. Yadav, A.A.G. IX

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE**

**And**

**HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE ACTING CHIEF JUSTICE)**

**Date: 16-12-2016**

The present petition in public interest has been filed for issuance of a writ of mandamus to the respondents to take action against Dr. Birendra Kumar, Civil Surgeon, Begusarai, for disobeying the order of District Establishment Committee with respect to transfer of Ram Kishor Choudhary, a charge sheeted accused, and Nand Kishore Pandit against whom the investigation is in progress. The petitioner has further claimed an action against the Civil Surgeon with



respect to illegal payments.

In the first supplementary affidavit, the petitioner has pointed out that a Circular has been issued by the State Government whereby, the deputation of the doctors and staffs have been cancelled, but still, the Civil Surgeon is helping the culprits in their illegal activities.

In the second supplementary affidavit, the petitioner has made a grievance regarding deputation and transfer of Auxiliary Nurse Midwives (ANMs) in the district of Begusarai. It is pointed out that about 100 ANMs have been appointed, but the ANMs have not been posted in Primary Health Centre and that ANMs have been posted in their Home Blocks. There is a grievance made that in spite of the order of the State Government that the deputation is to be cancelled, still some staffs are continuing on deputation.

In another supplementary affidavit dated 07.09.2015, the petitioner has made a grievance regarding posting of Civil Surgeon, Bugusarai whose private clinic is situated the same town.

In another Interlocutory Application No.8714 of 2016, the petitioner has challenged the posting of one Anand Kumar Sharma at Begusarai when he mentioned his Home District, Patna.

A counter affidavit has been filed on behalf of the respondent no.1, wherein it is pointed out that Regional Additional Director, Munger Division has been directed to enquire into the



allegation against Dr. Birendra Kumar, Ex Civil Surgoen, Begusarai and submit a report.

We have heard learned counsel for the parties and find that the issues raised by the petitioner are in respect of posting of the officers at Begusarai. Such grievances of the petitioner cannot be permitted to be raised in the public interest litigation in view of the judgment of the Division Bench of this Court in CWJC No.21601 of 2014 (Samrendra Kumar Sudhansu Vs. The State of Bihar & Ors.) decided on 21.11.2016.

It appears that the petitioner is a busy body and has filed the present petition more for its publicity or for harassing the Government officials rather for any genuine cause.

Consequently, we dismiss the present writ application with cost of Rs.5,000/- (Rupees five thousand). The cost to be deposited within one month with the Patna High Court Middle Income Group Legal Aid Society.

**(Hemant Gupta, ACJ)**

**(Arvind Srivastava, J)**

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