

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11761 of 2016

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1. Khatib Ahmad Son of Late A.R. Khan resident of Durga Bari Colony,
P.S. - Bari Road, Gaya.

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Health and Family Welfare Department,
Government of Bihar, Patna.
3. The Executive Director, State Health Society, Bihar, Patna.
4. The Deputy Secretary, Health and Family Welfare Department,
Government of Bihar, Patna.
5. The District Magistrate cum Chairman District Health Committee, Gaya.
6. The Civil Surgeon cum Chief Medical Officer cum Secretary District
Health Committee, Gaya.
7. The District Program Officer, Urban Primary Health Centre (U.P.H.C.),
Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Advocate
Ms. Manisha Singh, Advocate

For the Respondent State: Mr. Kaushal Kr.Jha, AAG 8

For the Respondent No.3: Mr. K.K.Sinha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

5 03-10-2016 Heard Mr. Anand Kumar Ojha, learned Counsel for the

petitioner, and Mr. Kaushal Kr. Jha, learned Additional Advocate

General No. 8, appearing for the State respondents. Heard also Mr.

K.K.Sinha, learned Counsel for the respondent No.3.

With the help of this writ petition, made under Article
226 of the Constitution of India, in the form of Public Interest
Litigation, the petitioner seeks issuance of appropriate writ
quashing the decision, dated 21.12.2015, passed by respondent
No.2, namely, Principal Secretary, Health and Family Welfare
Department, Government of Bihar, functioning as respondent

No.3, namely, Executive Director, State Health Society, Bihar.

What transpires from the pleadings on record and upon hearing learned Counsel for the parties concerned, is though the Urban Primary Health Centre, which was the scheme meant for help of the people of the urban areas, was earlier run on the basis of private public partnership, whereas, with the help of impugned decision, dated 21.12.2015, aforementioned, the State Government has decided to run the scheme of Urban Primary Health Centre, with its own resources for the poor people.

Because of the fact that the State Government has decided to manage, administer and run the scheme of Urban Primary Health Centre with its own resources, the decision cannot be faulted at or be regarded as a decision suffering from any infirmity, legal or factual.

Considering the matter in its entirety and in the interest of justice, we close this writ petition with liberty given to the petitioner to make appropriate application, in future, if the situation so warrants and/or take recourse to such provisions of law as may be permissible.

In view of the above, this writ petition is disposed of as withdrawn.

(I.A. Ansari,CJ)

(Dr. Ravi Ranjan, J)

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