

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12500 of 2015

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Surendra Prasad Mehta, Son of Sri Arjun Prasad Mehta, Resident
of Village-Titai Bigha, P.S.-Muffasil, District-Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Health Department, Bihar, Patna.
3. The Secretary, Health Department, Bihar, Patna.
4. The Health Directorate, Bihar, Patna.
5. The Regional Deputy Director, Health Department, Gaya.
6. The Civil Surgeon-cum-Chief Medical Officer, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinay Ranjan, Advocate

For the Respondent/s : Mr. Anjani Kumar, AAG-6

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

**HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT

**(Per: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH)**

Date: 29-03-2016

This writ application, under Article 226 of
the Constitution of India, in the nature of Public Interest
Litigation, has been filed seeking a direction to the
respondents to inquire into certain irregularities committed

by the office of the Civil Surgeon, Aurangabad.

2. We have heard Mr. Vinay Ranjan, learned Counsel, appearing on behalf of the petitioner, and Mr. Anjani Kumar, learned Additional Advocate General No.6, appearing on behalf of the respondents-State of Bihar.

3. It has been asserted in the writ application that the office of the Civil Surgeon, Aurangabad, is involved in issuance of forged certificates for running Ultra Sound Centres and Nursing Homes in violation of statutory provisions. It has also been stated that one Health Educator and one more employee have been deputed in the office of the Civil Surgeon, Aurangabad, against the policy of deputation of the employees of the State Government. By way of Annexure, list of Centres, conducting ultra sound examination, has been brought on record, which, according to the petitioner, are running without valid licence.

4. A counter affidavit has been filed on behalf of respondent No.6, sworn by one Dr. Binay Kumar Singh, Medical Officer, Civil Surgeon Office, Aurangabad, bringing on record a list of 9 Ultra Sound Centres, which are running on the basis of licences, issued by the office of Civil Surgeon, Aurangabad.

5. Upon perusal of the said list, we find that

after initial registration for running of Ultra Sound Centres, the period of licence has been extended from time to time.

6. In the above background, Mr. Anjani Kumar, learned Additional Advocate General No.6, appearing on behalf of the respondents-State of Bihar, has contended that the present writ application, in the nature of Public Interest Litigation, is not *bona fide* one.

7. With respect to deputation of one Wazid Akhtar, it has been stated, in paragraph 9 of the counter affidavit, filed on behalf of respondent No.6, that in the light of certain directions issued by the District Magistrate, Aurangabad, he has been put under suspension. The allegation that one of the employees, in the office of the Civil Surgeon, Aurangabad, is running Ultra Sound Centre, has specifically been denied in the counter affidavit.

8. Mr. Vinay Ranjan, learned Counsel, appearing on behalf of the petitioner, has attempted to draw our attention to a newspaper report in order to contend that on the one hand, the office of the Civil Surgeon, Aurangabad, has instituted First Information Report against the persons running the Ultra Sound Centres, whereas, they are, on the other hand, contending that the said Centres are running on the basis of valid licences.

9. In our considered view, newspaper report cannot be a basis for adjudication of a dispute. Secondly, we do not find any reason to disbelieve the stand taken on behalf of the office of the Civil Surgeon, Aurangabad, to the effect that the said Ultra Sound Centres are being run on the basis of valid licence.

10. However, considering the nature of allegations made in the present writ application, it would be advisable for the District Magistrate, Aurangabad, and the Civil Surgeon, Aurangabad, to ensure that the Ultra Sound Centres and Nursing Homes, within their jurisdiction, operate under proper licence and in accordance with the provisions of law regulating such Ultra Sound Centres and Nursing Homes.

11. This application stands disposed of with the observation and directions as mentioned above.

(I. A. Ansari, ACJ.)

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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