

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1594 of 2015

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Jitendra Kumar son of Late Bateshwar Singh, Resident of Village- Sonbarsa Sah, P.S.- Maniyari, Distt- Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Health, Government of Bihar, New Secretariat, Patna
3. The Director, Department of Health, Government of Bihar, New Secretariat, Patna
4. The District Magistrate, Aurangabad
5. The Civil Surgeon cum Chief Medical Officer, Aurangabad
6. The Deputy Superintendent ,Sadar Hospital Aurangabad

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.413 of 2016

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Deepak Kumar, son of Sri Krishna Singh, resident of village Vir Kunwar Singh Nagar, New Area, P.O. Aurangabad, P.S. Nagar Thana, District Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Health, Government of Bihar, New Secretariat, Patna.
3. The Director, Department of Health, Government of Bihar, New Secretariat, Patna.
4. The District Magistrate, Aurangabad.
5. The Civil Surgeon cum Chief Medical Officer, Aurangabad.
6. The Deputy Superintendent, Sadar Hospital, Aurangabad.
7. Dr. Tapeswar Prasad, son of not known, the Deputy Superintendent, Sadar Hospital, Aurangabad.

.... Respondent/s

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Appearance :

(In CWJC No.1594 of 2015)

For the Petitioner/s : Mr. Yugal Kishore, Sr. Advocate
Mr. Sanjeev Kumar Mishra, Advocate

For the Respondent/s : Mr. P.N. Shahi, AAG-10
Mr. Dharendra Kumar, AC to AAG-10

(In CWJC No.413 of 2016)

For the Petitioner/s : Mr. Umesh Kumar Verma, Advocate

For the Respondent/s : Mr. P.N. Shahi, AAG-10
Mr. Dharendra Kumar, AC to AAG-10

For Respondent No.7 : Mr. Siddhartha Prasad, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

15 18-03-2016

In compliance with the direction, issued on 16.03.2016,

Mr. R.K. Mahajan, Principal Secretary, Department of Health,
Government of Bihar, is present, in person.

From the order, contained in Memo No.188(3), dated
17.03.2016, it transpires that respondent No.7, namely, Dr.
Tapeswar Prasad, Deputy Superintendent, Sadar Hospital,
Aurangabad, has been temporarily shifted to headquarters of the
Health Department, at Patna, so as to conduct an impartial
enquiry, which has been directed in the light of the accusations,
which have been made against respondent No.7.

We reiterate, as already pointed out in our order, dated
22.02.2016, that we express no opinion with regard to the
correctness and/or veracity of allegations, which have been
made against respondent No.7, so that the enquiry officer can
come to its own conclusion on the basis of the materials, which
may surface during the course of the disciplinary proceeding.

We, however, make it clear that the Principal
Secretary, Department of Health, Government of Bihar, shall
ensure that no inflated or incorrect bills, submitted to the Civil

Surgeon, Aurangabad, be cleared so that no misappropriation of public fund takes place.

In view of the fact that Ultrasound and X-ray machines are functional, we close both these writ petitions with liberty to the petitioners to approach this Court, if the situation so warrants, in future.

The State shall ensure that the hospitals function in the best interest of the people.

Let a copy of the order, contained in Memo No.188(3), dated 17.03.2016, produced today, be kept on record.

(I.A. Ansari, ACJ)

(Anjana Mishra, J)

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