

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18334 of 2015

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Ram Ekbal Roy, S/o Late Jaleshwar Roy, resident of village -
Kushahar, P.O. - Kushahar, P.S. - Ratiyari, District – Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Deptt. of Health, Govt. of Bihar, Patna.
3. The Director-in-Chief, Health Services, Bihar, Patna.
4. The Executive Director, State Health Society, Bihar, Patna.
5. The Deputy Secretary, Deptt. of Health, Govt. of Bihar, Patna.
6. The District Magistrate, Sheohar.
7. The Civil-Surgeon-Cum-Chief Medical Officer, Sheohar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Verma, Adv.

Mr. Pramod Kumar Prasad, Adv.

Mr. Amrendra Kumar Mishra, Adv.

For the State : Mr. Avanindra Kumar Jha, AC to AAG-13

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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: 27-06-2016

There is a Primary Health Centre, Sadar Block,

Sheohar, known as Kushahar Additional Primary Health Centre, which is being sought to be shifted to Fatehpur.

In the present writ application, in the nature of Public Interest Litigation, filed under Article 226 of the Constitution of India, the petitioner challenges the said shifting, on the ground that it is in breach of a circular issued by the State Government to the effect that if any Additional Primary Health Centre is to be shifted, the same has to be shifted to another Primary Health Centre, whereas in the present case, the said Additional Primary Health Centre is being shifted to Fatehpur Sub-Centre.

A counter affidavit has been filed on behalf of the respondents-State of Bihar in compliance of this Court's order.

From the said counter affidavit, it appears that there is a Primary Health Centre at Fatehpur, which is presently functioning at Sub-Centre, Fatehpur. It further transpires that during the pendency of this application, the Principal Secretary, Department of Health, Government of Bihar, had sought for a report from the District Magistrate, Sheohar, in this regard, pursuant to which, the District Magistrate, Sheohar, has submitted his report. In the said report, the District Magistrate, Sheohar, has justified the said shifting recording that the Primary Health Centre, Fatehpur,

which is situated in the middle of Sheohar Block and population of the area is more than that of Kushahar.

We, in such circumstances, do not find any element of public interest involved in the present proceeding, considering the nature of relief sought for and the stand taken on behalf of the respondents-State of Bihar.

Needless to say that the petitioner shall have the liberty to raise his grievance on the issue of inadequacy of health care before appropriate forum in accordance with law.

This disposes of this application.

(I. A. Ansari, ACJ.)

(Chakradhari Sharan Singh, J.)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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