

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.971 of 2014

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1. Pankaj Kumar Singh Son Of Late Haribansh Prasad Singh R/O
Village + P.O.- Baghakhal, P.S.- Gaighat, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principle Secretary, Department Of
Health Government Of Bihar, Patna
2. The President, District Consumer Forum, Muzaffarpur
3. The Medical Superintendent, Indira Gandhi Institute Of Medical
Science, Sheikhpura, Patna-14
4. The Chairman And Its Member Of Medical Board Through Dr.
Mahendra Singh Prof. And H.O.D. Department Of Urology Indira
Gandhi Institute Of Medical Science Sheikhpura, Patna
5. Dr. Rajeev Kumar, Daudpur, Near New Police Lines, Muzaffarpur
6. Dr. S.N. Jaiswal, Balmiki Nagar, M.I.T. Road, Beriya, Muzaffarpur
7. Dr. B.N. Prasad, Krishna Diagnostic Laboratory, Guranchhapra,
Maheshbabu Chawk, Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh

For the Respondent/s : Mr. R.B.N.Singh

AC to GA- 10

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**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL**

ORAL JUDGMENT

Date: 28-07-2016

Heard Mr. Krishna Kant Singh for the petitioner and

AC to GA-10 for the State.

Citing special reasons for approaching this Court directly
against the order passed by the District Consumer Forum (for short



‘the District Forum’) in case no. 33 of 2003, it has been submitted that as the Forum acted with material irregularity in not conceding the prayer of the petitioner to get another opinion from the Medical Board, the present writ application has been filed. The petitioner was complainant before the District Forum complaining blatantly deficient service provided to his niece by the respondent nos. 5 to 7. The District Forum, on a consideration of the materials and after obtaining report from the Medical Board, did not grant the relief. Under the Consumer Protection Act, 1986, any order passed by the District Forum can be challenged before the State Consumer Grievance Redressal Forum where all questions of fact and law can be raised. The petitioner has thus a statutory remedy available to assail the order and seek the relief.

In that view of the matter, the Court is not inclined to invoke its extraordinary and discretionary writ jurisdiction in the matter granting the petitioner liberty to assail the order(s) passed by the District Forum in the said proceeding. It has been stated that the appeal, if the petitioner proposes to file, may be barred by limitation.

Before parting with the records, this Court shall further observe that in case an appeal is filed the petitioner shall be at liberty to seek condonation of delay, on the ground that he had been under the legal advice pursuing his remedy before this Court since

10.01.2014.

The writ application stands disposed of.

(Kishore Kumar Mandal, J)

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