

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21756 of 2012

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1. Rekha Singh W/O Dr. Kamal Kumar Chauhan Resident Of Makrandpur
P.S. Gaighat, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State Of Bihar, Through The Executive Director, State Health Society, Government Of Bihar, Patna
2. That The Executive Director, State Health Society, Government Of Bihar, Patna
3. The District Magistrate Cum Chairman, District Health Society, District- Muzaffarpur
4. The Civil Surgeon Cum Member Secretary, District Health Society, Muzaffarpur
5. That The In-Charge Medical Officer, Primary Health Services, Gaighat, Distt.- Muzaffarpur
6. The Secretary, Health Department, Govt. Of Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Chauhan
For the State : Mr. Jitendra Kumar, A.C. to AAG-14
For the Health Society : Mr. K.K. Sinha

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 22-08-2017 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

2. The petitioner has come to this Court for a writ in the nature of mandamus for commanding the respondent-authorises to take into service the ambulance of the petitioner, in view of the agreement made between him and the Civil Surgeon-cum-Member Secretary, District Health Society, Muzaffarpur, from the date of the agreement till the completion of three years. A further prayer is made to pay due amounts in respect of service of ambulance



from June, 2012 till 14.09.2012.

3. Learned counsel appearing on behalf of the District Health Society submits that the agreement, however, came to an end as there was a policy decision of the Central Government which was to be followed by the District Health Society and similar matters had come to this Court in C.W.J.C. No. 22673 of 2012 in which ambulance at different centres in the district of Jehanabad and Muzaffarpur had met with similar relief and the appeal preferred against the order passed by the Writ Court has also met with similar fate and has been dismissed in L.P.A. No. 1090 of 2013 and L.P.A. No. 913 of 2013.

4. In the said writ application the issues raised in the present writ was dealt with, at length. By a reasoned order, this Court had dismissed the case of the petitioners therein stating that it was the prerogative of the State Government which provides the funds of the State Government to either take the ambulances in question or not use them for its own service.

5. Furthermore, it appears from the facts and circumstances of the present case that the period for which the ambulance was to be hired has since lapsed.

6. Under the circumstances, no writ can be issued in favour of the petitioner for grant of reliefs as prayed for.



7. The writ application is, thus, devoid of merit and is dismissed.

(Anjana Mishra, J)

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