

**IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No. 1776 of 2015**

**In
Civil Writ Jurisdiction Case No. 10724 of 2011**

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Centre for Health and Resource Management through its
Executive Director, Main Road, Buddha Colony, Patna-800001.

.... Petitioner.

Versus

1. Union of India, through the Secretary, Ministry of Health & Family Welfare, Govt. of India,
2. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
3. The Secretary, Department of Health and Family Welfare, Patna, Bihar,
4. Sadar District Hospital, Through the Medical Superintendent, District- Munger,
5. Tarapur Referral Communnity Health Centre, through the Medical Superintendent, District- Munger,
6. Kharagure Primary Health Centre, through the Medical Superintendent, District- Munger,
7. Aritki Swastik Sub Centre, through the Medical Superintendent, District- Munger,
8. Sardar District Hospital through the Medical Superintendent, District- Munger,
9. Tarapur Referral Community Health Centre, through the Medical Superintendent, District- Munger,
10. Civil Surgent-cum-Chief Medical Officer, District- Munger.

.... Respondents.

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Appearance :

For the Petitioner: Mr. Vikash Kumar Pankaj, Adv.

For the State : Mr. Himanshu Kumar Akela, AC to PAAG-2

For the Union of India: Mr. S.D. Sanjay, ASG

: Mr. Shyam Bihar Sinha, CGC

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

03. 18.05.2017

A supplementary affidavit has been filed on



behalf of the petitioner bringing on record the detailed guidelines issued by the Government of India, Ministry of Health & Family Welfare, Department of Health & Family Welfare on the modified and additional schemes, roles and responsibilities of various personnel and monitoring modalities which has been appended as Annexure-1 to the supplementary affidavit.

Heard learned counsel for the petitioner and the State.

This application has been filed for modification/ review of the judgment dated 02.02.2015 passed in CWJC No. 10724 of 2011 which was filed by the present petition in the nature of Public Interest Litigation for the effective implementation of the National Rural Health Scheme in the district of Munger.

It is contented on behalf of the petitioner that though the reports and the counter affidavits were not satisfactory as they do not answer the issue involved even then the case was closed. The report of the District Judge-cum-Chairman, District Legal Services Authority is only with respect to Munger district whereas grievances in all the 38 districts of the State were to be addressed. However,



from perusal of the writ petition it appears that petitioner filed the writ petition with respect to district of Munger only. Though, vide order dated 11.03.2014, the Co-ordinate Bench of this Court has shown its concern with the actual state of affairs in each of the health centres in the 38 districts, however, the fact remains that a direction was only given for inspection/inquiry with respect to nine primary health centres in the district of Munger. The report of the District Judge-cum-Chairman of the District Legal Services Authority is on record. On being satisfied with the inquiry report and the affidavits filed on behalf of the State, the Division Bench has expressed his opinion as under:-

“We quite appreciate the concern of the petitioner for improvement of health facilities in the government hospitals and the steps taken. On account of the orders passed by this Court from time to time, substantial improvements have taken place. A perusal of the report submitted by the respondents, as well as the District & Sessions Judge, Munger reveals that the hospitals are functioning up to the mark.

Basically, it is the duty of the Government itself to provide adequate health and medical facilities for the public. On noticing that there is some deficiency in this behalf, this Court intervened at the instance of the petitioner, and there is substantial improvement.



It is hoped that the facilities would be maintained at proper level and the services would be extended to the public, without any deficiency and further improvement is made, wherever it is necessary.

The writ petition is accordingly closed.”

Thus, it appears that the Court was satisfied after perusal of the report with respect to the Munger district and, thereafter, it has opined that it is the duty of the Government itself to provide adequate health and medical facilities for the public and, thus, it hoped that the facilities would be maintained at proper level and the services would be extended to the public, without any deficiency and further improvement is made, wherever it becomes necessary.

In such background of the matter, we are of the view that since the matter was closed in the year 2015 and the modified guidelines were issued on 10.11.2016, i.e., much after that, that cannot be considered for modification/review of the earlier judgment and, as such, the judgment/order under review does not require our interference.

However, it is made clear that if the proper level of services are not maintained in the eye of any citizen



or affected person then if, so advised, he/she would be at liberty to raise the issue before a competent forum.

This application stands disposed of.

(Dr. Ravi Ranjan, J.)

(Vikash Jain, J.)

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