

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5074 of 2017

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1. Mimansa Kalyan Samiti through its Chairman Deepak Kumar, S/o Mr. Ramchandra Singh, resident of Azad Chowk, Ward No. 20, Saharsa, District- Saharsa.
 2. Deepak Kumar, S/o Mr. Ramchandra Singh, resident of Azad Chowk, Ward No. 20, Saharsa, District- Saharsa.

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna.
2. The Principal Secretary Department of Health, Government of Bihar, Patna.
3. The Joint Secretary, Department of Health, Government of Bihar, Patna.
4. The State Health Society, Bihar through its Chief Executive Officer, Bihar, Patna.
5. The District Magistrate-cum-Chairman, District Health Society, Saharsa.
6. The Civil Surgeon-cum-Member Secretary, District Health Society, Saharsa.

.... Respondents

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Appearance :

For the Petitioners : Mr. Brajesh Kumar, Advocate.

For the Respondents : Mr. Himanshu Kumar Akela, A.C. to PAAG-2.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 10-04-2017

The petitioner, claiming to be a Society registered for protecting the right of citizens, has come to this Court in this public interest ventilating the grievance with regard to payment of diet allowance to the patients in Government hospitals. It is said that initially, the diet allowance for all the indoor patients admitted in various hospitals in the State of Bihar was Rs. 50/- per patient. Subsequently, it has been enhanced to Rs. 100/- by the State



Government in view of the recommendation made by the Indian Council of Medical Research.

The grievance of the petitioner is that in spite of enhancement made in the diet allowance to the indoor patients, tenders have been invited by various District Authorities in the year 2017 for supply of food at a lower rate i.e., less than Rs. 100/-. Accordingly, based on the documents brought on the record, it is said that the diet amount given to the indoor patients is less than Rs. 100/-. The only material produced to say that the amount paid is less than Rs. 100/- is the tender process conducted.

Be that as it may, the petitioner has produced nothing to show that payment of less amount to the indoor patients is being made. Not even a single instance with regard to any specific instance has been indicated in the writ petition based on which the allegations are made. That apart, without bringing to the notice of the concerned authorities of the State Government the illegalities, if any, or the grievance as indicated in the writ petition, the petition has been filed directly.

In the absence of any specific instance based on which allegations are made being pointed out and that too without exhausting the remedy of approaching the competent authority of the State Government, we are not inclined to grant indulgence into the



matter. The petition is disposed of with liberty to the petitioner to represent before the competent authority of the State Government his grievances with specific instance and particulars.

The State Government is directed to consider the same in accordance with law as early as possible.

In case, the petitioner is dissatisfied with the decision making process undertaken after the representation is filed, he shall be at liberty to come to this Court and take recourse to such remedies as are available in accordance with law.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

U.K./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	17.04.2017.
Transmission Date	

