

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16004 of 2016

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Manaur Alam, son of Md. Islam, resident of Block Road, P.O. Narkatiaganj,
P.S. Shikarpur, District West Champaran. Petitioner.

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna, Bihar.
 2. The Principal Secretary, Department of Health, Government of Bihar, Patna.
 3. The Director in Chief, Health Services, Bihar, Patna.
 4. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
 5. The Regional Additional Director, Health, Tirhut Division, Muzaffarpur.
 6. The District Magistrate, West Champaran, Bettiah.
 7. The Civil Surgeon-cum-Chief Medical Officer, Bettiah, West Champaran.
 8. Dr. Gopal Krishna, son of not known, resident of village + Post Bahadur Nagar, District Munger. Respondents.
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Appearance :

For the Petitioner : Mr. Amit Kumar Pandey, Adv.
Mr. Rakesh Chandra, Adv.

For the Respondents : Mr. Prem Ranjan Kumar, AC to AAG-9.

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

02 27-03-2017 This petition has been filed, *inter alia*, contending that respondent no.8, who is working as Civil Surgeon has committed various irregularities in the purchase of medicines and, in spite of prima facie case made against him, in an enquiry that was conducted by the District Collector the department is not taking any action.

Petitioner seeks issuance of a mandamus for taking action against the Civil Surgeon, respondent no.8.

Having considered the matter, we are of the view that



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the petitioner has a statutory remedy to make a complaint in statutory form before the Lokayukta and the said authority is empowered to enquire into the matter. That being so, it is not proper for this Court to exercise its extraordinary jurisdiction when the petitioner has a statutory remedy and the statutory authority under law is empowered to look into such matters.

We are sure that on a complaint being made in prescribed form, the Lokayukta shall look into the matter. If the grievance of the petitioner still subsists, after moving before the Lokayukta, he may seek invoking the jurisdiction of this Court on a future date.

With the aforesaid liberty to the petitioner for the present, this petition is disposed of.

(Rajendra Menon, C.J.)

(Sudhir Singh, J.)

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