

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6877 of 2017

- =====
1. Md. Husnain, Son of Late Tabarak Hussain, Resident of Ward No. 9, Nagar Panchayat, Sheohar, P.O. + P.S. + District - Sheohar.
 2. Bashistha Rout, Son of Late Dharkhan Rout, resident of Shivaji Nagar, Sheohar, Ward No. 8, Nagar Panchayat, Sheohar, P.O. + P.S. & District - Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna.
2. The Principal Secretary, Department of Urban Development, Government of Bihar, Patna.
3. The Director-in-Chief, Health Services, Department of Health, Government of Bihar, Patna.
4. The Joint Secretary, Department of Health, Government of Bihar, Patna.
5. The Director, Rajya Swasthya Samiti (State Health Committee), Department of Health, Bihar, Patna.
6. The District Magistrate-cum-Chairman, District Health Committee, Sheohar.
7. The Civil Surgeon-cum-chief Medical Officer, Sheohar.
8. The District Health Committee (Rogi Kalyan Samiti) Sheohar through its Secretary-Cum-Deputy Superintendent, Sadar Hospital, Sheohar.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 16-05-2017

Keeping in view an order passed on 25.04.2016 under similar circumstances with regard to the same issue in C.W.J.C. No. 6417 of 2016 wherein the following observations have been made:-

“The decision to shift a hospital in one building or the other is purely an administrative decision and the Court would not generally interfere with such a decision unless and until it is perverse and based on



extraneous consideration or *malafide*”

Now with regard to the same issue, we are not inclined to interfere into the matter. However, considering the fact that this Court has already held that the issue in question is purely an administrative issue, the petitioners shall have liberty to file a detailed representation before the competent Secretary of the Government dealing with the issue in question and we are hopeful that the Secretary shall look into the grievance of the petitioners and take such decision as may be permissible under law within a reasonable period, preferably within a period of two months from the date of its presentation.

With the aforesaid liberty to the petitioners, the writ petition stands disposed of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	20.05.2017
Transmission Date	

