

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9796 of 2017

=====

In The Matter Of Letter Dated 12/07/2017 Of Mr. Vikash Chandra Guddu
Baba Based On C. W. J. C. No. 6306 Of 2000

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Health Department, Govt. of Bihar.
3. The Director in Chief, Health Services, Bihar, Patna.
4. The Superintendent of Patna Medical College Hospital.
5. The Civil Surgeon Cum Chief Medical Officer, Patna Medical College Hospital, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Vikash Chandra Guddu Baba (in person)
For the Respondent/s	:	Mr. Lalit Kishore, A.G.

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-11-2017

Challenge in this writ petition filed in public interest is made to the act of the State authorities in permitting the prisoners to misuse the provisions of law by getting themselves declared sick and getting admitted in the Patna Medical College and Hospital in the garb of ailment suffered by them.

Inter alia contending that by acts of nepotism and favouritism, certain categories of prisoners are being granted this special status, this Court took *suo motu* action based on a letter received from the applicant Shri Vikash Chandra Guddu Baba and he has referred to an earlier order of this Court passed in CWJC



No.6306 of 2000 on 10.09.2003. The matter is pending since notices were issued, counter affidavits and supplementary counter affidavits have been filed and now from the supplementary counter affidavits filed by the State Government through the Superintendent of Patna Medical College and Hospital, Patna on 18.10.2017, we find that now all such prisoners, who were taking facilities of treatment in Patna Medical College and Hospital, have been discharged and only two captives being one Vinik Kumar and another Jitendra Kumar Chaurasia are undergoing treatment. They were admitted recently on 18.09.2017 and 19.09.2017 respectively, and we hope that immediately after their treatment is over and it is not necessary for them to any more treatment in the hospital, they would be discharged and sent to the respective prisons for undergoing their custody.

Taking note of the fact that apart from these two prisoners, all other prisoners have been removed from the Patna Medical College and Hospital, we dispose of the matter with a direction to the Superintendent, Patna Medical College and Hospital and the Superintendent of Beur Jail, Patna to ensure that unnecessarily without any basis or cause or reasons, prisoners are not permitted to remain in the hospital and thereby misuse the process of law in the garb of ailment and their treatment. The order passed should be



strictly implemented by the authorities concerned, particularly the Superintendent, Patna Medical College and Hospital, Patna and the Jail Superintendent, Beur Jail, Patna and, in case of breach, we may initiate action against authorities concerned.

With the aforesaid observations, finding no indulgence to be made in the matter, the writ petition stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.11.2017
Transmission Date	

