

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4503 of 2016

Patna Civil Society, Rajendra Nagar, Patna through its Secretary, Shri Ashok Kumar son of Shri Braj Nandan Sharma resident of 33/247, Road No. 10E, Rajendra Nagar, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Social Welfare Department, Bihar, Patna.
2. The Directorate of Social Security and Disabilities, Social Welfare Department, Bihar, Patna.
3. The Principal Secretary, Building Construction Department, Bihar, Patna.
4. Bihar State Legal Services Authority, Patna through its Member Secretary.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava, Advocate
For the Respondent/s : Mr. Ashok Kumar Choudhary- AAG 13

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 05-04-2018

This application in public interest has been filed and the grievance of the petitioner is with regard to establishment of old age homes in various districts in the State of Bihar.

Keeping in view the grievance of the petitioner and considering the fact that there is a statutory scheme for implementing all these provisions pertaining to Old Age Homes and under the statutory scheme formulated by the National Legal Services Authority and the Bihar State Legal Services Authority action is to be taken by the legal services authority and notices



were issued to the Member Secretary, Bihar State Legal Services Authority and the Member Secretary has filed an affidavit on 3rd of September, 2017 which indicates that the Bihar State Legal Services Authority has taken up the issue with the authorities of the Department, particularly the Director, Social Security and Disabilities, Social Welfare Department, Government of Bihar and from para 7 onwards up to para 9, the Member Secretary, Bihar State Legal Services Authority has indicated to this Court the following facts:

“7. That in the meeting the Director, Social Security & Disability, Government of Bihar also submitted a note through which it was informed that at present the construction of work of Old Age Homes is under progress at Patna for which funds has also been allotted. In Gaya District agreement for construction of old age home has been approved with the Contractor, but due to some land dispute with BSF, the construction work could not be initiated. In District Purnea, the land made available was not found suitable and department is taking initiative for making available of another suitable land.

That it was further informed by the Director, Social security & Disability that since the delay in construction of Old Age Homes by the State Government is likely, other than above mentioned 5 districts, in 4 other districts namely Begusarai, Rohtas, Samastipur and East Champaran at Motihari the department has decided to operate Old Age Homes through NGOs and the proposal is under process at the level of the Directorate.

8. That Director, Social Security & Disability, Government of Bihar assured that State Government will take steps for construction of Old Age Homes in all districts of Bihar in a phased manner in very near future for providing shelter homes and other facilities to indigent senior citizens.

9. That Bihar State Legal Services Authority will continue to supervise and monitor the progress of construction of Old Age Homes in all districts of Bihar with proper facilities as per the Maintenance of Parents and Senior Citizens Act 2007 and NALSA (Legal Services to Senior Citizens) Scheme, 2016.



once under the National Legal Services Authority (Legal Services to Senior Citizens) Scheme, 2016 statutory provision has been brought into place and the Bihar State Legal Services Authority has been entrusted the duty of implementing the scheme, it is not necessary for us to monitor the affairs of Old Age Homes in this application exercising our extraordinary jurisdiction under Article 226 of the Constitution when the communication received from the Member Secretary, Bihar State Legal Services Authority displays that the Legal Services Authority is monitoring the same and taking steps for establishment and smooth running of Old Age Homes in various districts of Bihar.

Accordingly, we direct the Member Secretary, Bihar State Legal Services Authority to bring all these facts and the order passed today in this petition to the notice of the Executive Chairman, Bihar State Legal Services Authority, inform him about the developments and monitor the establishment of Old Age Homes in the State of Bihar in accordance to the scheme in question and ensure that the Old Age Homes are established and brought into place, preferably within a period of 6 months from the date of receipt/production of a copy of this order.

Needless to emphasize that if the Member Secretary, Bihar State Legal Services Authority feels that the State



Government and the employees of the State Government are not co-operating in implementing the statutory scheme, he would be at liberty to bring all these facts either himself or through the petitioner to the notice of the Court for taking action in the matter with regard to inaction, if any, or negligence or lethargy on the part of the State authorities in implementing the scheme.

Petitioner is also granted liberty to independently monitor the implementation of the scheme and if he finds any impediment or illegality in implementation of the scheme, bring the same to the notice of the Member Secretary, Bihar State Legal Services Authority who is expected to look into the matter and address the issue brought to his notice by the petitioner.

With the aforesaid, for the present, finding no ground for making indulgence, we dispose of the application.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	11.04.2018
Transmission Date	

