

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12412 of 2019

Prayaas, an effort, a Non-Profit Organization having its office at B-201, Jeet Enclave, Near Mamta Apartment, Shivpuri, Patna through its President Mr. Jitesh Singh, aged about 35 years, Male, S/o Srikrishna Singh, Resident of 10/6, Ramlal Mukherjee Lane, Salkia, Haora (M.Corp.), Howrah, Salkia, West Bengal-711106.

... .. Petitioner

Versus

1. Union of India through its Principal Secretary, Ministry of Health and Family Welfare, Govt. of India, new Delhi
2. The State of Bihar through its Chief Secretary, Patna.
3. The Principal Secretary, Department of Health, Govt. of Bihar, Old Secretariat, Patna.
4. The Director, ICAR, National Research Centre on Litchi, Muzaffarpur, Bihar.
5. The District Magistrate Muzaffarpur, Bihar
6. The Principal SKMCH, Muzaffarpur
7. The Superintendent SKMCH, Muzaffarpur

... .. Respondents

with
Civil Writ Jurisdiction Case No. 12640 of 2019

Satyam Kumar Jha, S/o Ved Prakash Jha, Male, aged about 26 years, R/o- 23, Mamobihat, Darbhanga, Bihar.

... .. Petitioner/s

Versus

1. Chief Secretary, State of Bihar, Government of Bihar, Patna.
2. Principal Secretary, Department of Health, State of Bihar 1st Floor, Vikas Bhawan, Bailey Road, Patna- 800001.
3. The Director, ICDS, Social Welfare Department, Main Secretariat, Patna- 800015.
4. The President, Bihar Medical Council, Road No.11/D, Rajendra Nagar, Patna- 800016.
5. The MDM Director, (Mid Day Meal Scheme), Bihar Text Book, 1st Floor, MDM Building, Budh Marg Patna- 800001.
6. Ministry of Health and Family Welfare, through its Secretary, Government of India, Near Udyog Bhawan Metro Station, Maulana Azad Rd, New Delhi, Delhi- 110011.



7. The Civil Surgeon, Sadar Hospital Muzaffarpur, Bihar, Pin 842001.
8. Secretary, Public Health Engineering Department, Government of Bihar, Nirman Bhawan, Patna- 800015.
9. Director-in-Chief, Disease Control, Deptt. of Health, Bihar.

... .. Respondents

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with

Civil Writ Jurisdiction Case No. 12944 of 2019

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Krishna Deo Mishra, aged about 50 years, Gender-Male, Son of Sri Madan Mohan Mishra, Resident of Das Kutir, Das Lane, East Lohanipur, P.S.- Kadamkuan, District- Patna.

... .. Petitioner

Versus

1. The Union of India through the Secretary, Union Ministry of Health and Family Welfare, Government of India, New Delhi.
2. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna.,
3. The District Magistrate, Muzaffarpur, District- Muzaffarpur.
4. The Civil Surgeon, Sadar Hospital, Muzaffarpur District- Muzaffarpur.
5. The Superintendent, Shri Krishna Medical College and Hospital, Muzaffarpur, District- Muzaffarpur.

... .. Respondents

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with

Civil Writ Jurisdiction Case No. 13819 of 2019

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Sudhir Ojha, aged about 50 years (Male), S/o Late Krishan Deo Ojha, resident of Vill.- Lahladpur, Patahi, P.S.- Sadar, Distt.- Muzaffarpur

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Health Department, Govt. of Bihar, Patna
3. The Principal Secretary, Child Welfare Department, Govt. of Bihar, Patna
4. The District Magistrate Muzaffarpur.
5. The Civil Surgeon Muzaffarpur.

... .. Respondents

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with

Civil Writ Jurisdiction Case No. 14211 of 2019



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1. Vidya Nand Ram, aged about 49 years, S/o Late Charitra Ram Pipra Bajid, resident of 37, Pipra Bajid, Near Kabristan, Dhaka, East Champaran
 2. Sidhharth Satyam, aged about 25 years, S/o Shri Krishna Kumar Mani, Resident of 106 Jaishree Complex, Kavi Raman Path, Nageshwar Colony, Patna

... .. Petitioners

Versus

1. Union of India through Secretary, Ministry of Health and Family Welfare, New Delhi.
2. The State of Bihar through Chief Secretary.
3. The Principal Secretary Health Department, Govt. of Bihar.
4. The District Magistrate Muzaffarpur.
5. The Civil Surgeon Muzaffarpur.

... .. Respondents

Appearance :-

(In Civil Writ Jurisdiction Case No. 12412 of 2019)

For the Petitioner	:	Mr. Puneet Siddhartha, Advocate Mr. Aryan Sinha, Advocate Mr. Akash Kesav, Advocate
For Union of India	:	Mr. S.D. Sanjay, Addl. S.G. Mrs. Kanak Verma, C.G.C.
For the State	:	Mr. Lalit Kishore, A.G.
For the Mid-day Meal	:	Mr. Girijesh Kumar, Advocate

(In Civil Writ Jurisdiction Case No. 12640 of 2019)

For the Petitioner/s	:	Mr. Puneet Siddhartha, Advocate Mr. Aryan Sinha, Advocate Mr. Akash Kesav, Advocate
For the State	:	Mr. Lalit Kishore, A.G.

(In Civil Writ Jurisdiction Case No. 12944 of 2019)

For the Petitioner/s	:	Mr. Niraj Kumar, Advocate
For the State	:	Mr. Lalit Kishore, A.G.

(In Civil Writ Jurisdiction Case No. 13819 of 2019)

For the Petitioner/s	:	Mr. Anish Kumar, Advocate
For the State	:	Mr. Pushkar Narain Shahi, A.A.G.-6 Mr. Manish Kumar, A.C. to A.A.G.-6

(In Civil Writ Jurisdiction Case No. 14211 of 2019)

For the Petitioner/s	:	Mr. Alka Verma, Advocate
For the Respondent/s	:	Mr. Lalit Kishore, A.G.



**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
COMMON ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)**

Date : 02-09-2019

Heard learned counsel appearing for the respective parties.

Identical issue relates to outbreak of Acute Encephalitis Syndrome virus was pending before the Hon'ble Supreme Court and the Hon'ble Supreme Court was monitoring the entire issue, examined closely the steps taken by the State of Bihar as well as the Central Government to provide facilities for treatment of the children affected by epidemic.

A detailed affidavit has been filed by the State of Bihar before this Court, pointing out the steps taken by the Union of India side by side the State of Bihar to combat the menace of the encephalitis disease. The Hon'ble Supreme Court after examining the steps of the Union of India and the State of Bihar satisfied with the same, recorded that it is no longer required to continue the monitoring of the issue.

In such view of the matter, this Court also does not feel any purpose to continue the matter for further discussions. However, it is expected that the Government of Bihar will



monitor the working of the Hospitals, ensure that essential drugs should remain available all the time with other proper infrastructural facilities, so that in case of any urgency, the Hospitals will be able to take proper steps for the treatment of ailing children.

One of the learned counsel for the petitioners has pointed out the story published in a newspaper that during the epidemic period, 52 doctors were found absent from the duty. It is a matter of concern, the State Government must look into the matter about the absence of the doctors in such a large number and take proper action against those persons, who were found absent without any reasonable cause.

With the aforesaid observations and directions, these writ petitions are disposed of.

(Shivaji Pandey, J)

(Partha Sarthy, J)

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AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
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