

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1555 of 2019

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Samrendra Kumar Jha Sri Balkrishna Jha aged about 36 years old, presently residing at Flat No. 102, Vaishnavi Dayanand Apartment, E.B.C Road, P.S- Buddha Colony, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar and Ors through its Chief Secretary
2. Principal Secretary, Health Department, Government of Bihar Bihar
3. Director, India Gandhi Institute of Medical Sciences (IGIMS), Patna Bihar Bihar
4. President Indian Medical Association, Bihar State Branch, IMA Building Dr, A.K.N Sinha Path, South East of Gandhi Maidan, Patna 800004
5. Chairman, Medical Council of India, MCI Building, Pocket-14, Sector-8, Dwarka Phase-1 New Delhi
6. Vice Chairman, National Institution for Transforming India (NITI Aayog), New Delhi, Government of In India

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Nivedita Nirvikar, Adv.
Mr. Dudh Nath Singh, Adv.
For the Respondent/s : Mr. Lalit Kishor, AG

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

2 28-01-2019 Heard Ms. Nivedita Nirvikar learned counsel for the

petitioner and learned Advocate General for the State.

The petitioner prays for the following reliefs:

"i. For issuance of writ of mandamus commanding and directing the respondent authorities to conduct an independent enquiry in respect of impact on the efficiency of Medical facilities provided by and Medical Institutions established and run by the State Government



under its constitutional obligation due to involvement of Doctors employed in Government Service as well as in Government Medical Colleges in their own private Medical Practice.

ii. To ban completely the private medical practice carry out by the Government Doctors, who are in the service of State Government including those working in Government Medical Colleges.

iii. For creation and assurance of proper, adequate and hygienic medical facilities for the people of the State.

iv. To provide necessary direction/directions National Institution for Transforming India (NITI Aayog), New Delhi, Government of India to formulate or take steps for formulation of complete medical policy with a aim to provide cheap and timely medical facilities to the people with special attention to ensuring 24x7 attendance of doctor at Government Hospital/Medical Colleges. Our experience is that the NITI Aayog is reluctant rather fail to provide adequate medical policy.

v. For any other relief or reliefs for which the people of the State entitled in the facts and circumstance of the case."

We have heard learned counsel for the parties and we have perused the records.

In the nature of relief so prayed perhaps, it is for the State to take a policy decision whether or not they wish to put such restrictions of banning private practice for Doctors employed in Government Hospitals but until such time that the service rules debars such practice, there appears nothing which requires a judicial review of such practice which is neither found in contravention of any Rule nor any such



decision of the State Government, is pressed into service.

This writ petition filed in Public Interest is accordingly dismissed.

(Jyoti Saran, J)

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(Arvind Srivastava, J)

