

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16249 of 2018

Arvind Kumar Singh @ Arvind Kumar Son of Yogi Raut, Resident of Ward No.8, Sheopur, Police Station and District- Sheohar.

... .. Petitioner

Versus

1. The State Of Bihar
2. The Principal Secretary, Health Department, Government of Bihar, New Secretariat Building, Patna.
3. The Civil Surgeon-cum-Chief Medical Officer, Tirhut Division, Muzaffarpur, District- Muzaffarpur.
4. The District Magistrate, Sheohar.
5. The Civil Surgeon-cum-Chief Medical Officer, Sheohar.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Dinu Kumar, Ms. Ritika Rani, Advocates
For the Respondents	:	Mr. S.D. Yadav- AAG 9

CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

12 09-12-2019

The petitioner has prayed for following reliefs:-

“(i) For commanding the respondents not to obstruct in functioning of Sadar Hospital, Sheohar in providing medical attention or facility to the patients in the District Sheohar and close Sadar Hospital, Sheohar.

(ii) Also for quashing the part of the order dated 26.4.2017 issued under the signature of the Joint Secretary, Health Department, Government of Bihar, Patna as contained in Annexure-9 by which it has been decided that the services of Medical Officers, Para Medical Staff and other staff posted in Sadar Hospital, Sheohar will be utilized in Saroja Sitaram Sadar Hospital, Sheohar for starting outdoor patient services in compliance of the order passed in C.W.J.C. No. 4905 of 2015 and contempt application bearing M.J.C. No. 2001 of 2016 (Shishir Kumar Singh vs the State of Bihar and others) arising out of



C.W.J.C.4905 of 2015.

(iii) Also for quashing the order dated 31.5.2018 issued under the signature of Additional Secretary, Health Department, Government of Bihar, Patna by which after amending the order dated 26.4.2017 as contained in Annexure-11 it has been resolved all the Medical Officer, Para Medical Staff and other Staff, posted in present Sadar Hospital will be treated as Doctor and staff of Saroja Sitaram Sadar Hospital, Sheohar and the machine and equipments of Sadar Hospital, Sheohar have also been transferred to Saroja Sitaram Sadar Hospital, Sheohar and the present Sadar Hospital, Sheohar will function only for vaccination and immunization after giving reference of the order passed in C.W.JC. No. 4905 of 2015 and contempt application bearing M.J.C. 2001 of 2016.

(iv) And also for other relief/reliefs, direction/directions to which the petitioner is found entitled to in the facts and circumstances of the case.”

We have interacted with the Principal Secretary, Government of Bihar. We find favour with submissions made on behalf of the State that only by virtue of the orders passed in C.W.J.C No. 4905 of 2015, contrary to the policy of the State Government, in one district, the Government is forced to open and run two hospitals. He has explained that in order to augment the medical facilities as also infrastructure facilities, at some point of time, the Government took a decision of establishing new hospital at new site which was made functional and operational. In view of this development, the Government took a decision of closing Sadar Hospital, Sheohar by transferring the staff including the medical officers, para medical staff etc. to the



new hospital.

Learned Principal Secretary states that all the facilities, which were being made available to the patients at Sadar Hospital, Sheohar, are now being made available at Saroja Sitaram Sadar Hospital, Sheohar. He states that the distance between two establishments is 2-3 kilometers and it would not put the general public to such great inconvenience, as is sought to be projected by the writ petitioner and new hospital has 100 beds and modern infrastructure.

As such, the grievance stands met and we close the present proceeding clarifying that if at some point of time, the Government, with adequate human resources, chooses to make functional the old establishment i.e. Sadar Hospital, Sheohar, it would be open to do so.

The writ petition stands disposed of.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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