

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3133 of 2019

Dr. Lal Babu Singh son of Late Ramdeo Singh Secretary, Jan Swasthya Kalyan Samittee, Resident of Mohalla- Nala Road Gali, Shanti Bhawan, Post Office- Bankipur, Police Station- Kadamkuan, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Deputy Secretary, Government of Bihar, Patna.
4. The Civil Surgeon, Vaishali at Hajipur.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Arbind Kumar

For the Respondent/s : Mr.Rajeshwar Singh (GA 10)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 02-07-2019 Heard learned counsel for the petitioner and

learned counsel representing the State.

Petitioner in the present case has moved this court for a writ of mandamus directing the respondent authorities to give him No Objection Certificate for running Swasthya Upkendra in Mahua Block, as according to the petitioner, his application submitted with the State authorities has remained pending and no action has been taken by the respondents.

A counter affidavit has been filed on behalf of the State. Paragraph '9' of the counter affidavit reads as under: -

“9. That thereafter, the report of the Civil Surgeon, Vaishali was duly examined by the Department and



was found that as per the policy of the State Government, the Hospitals/PHCs are established in the rural are to provide all medical facility. Therefore, it is not appropriate under the law to issue no objection in favour of private institution for opening Health Sub-Centre and thereafter, considering all aspect of this matter threadbare, the application of the petitioner for issuance of no objection has been rejected vide Health Department's memo no. 197(10) dated 28.05.2018."

Learned counsel for the State submits that the order rejecting the application of the petitioner had been rejected long back and the same was informed to the petitioner vide Annexure 'A' to the counter affidavit.

It is stated in Annexure 'A' that the private institutions are not given No Objection Certificate for running the Health Centre in the rural areas. The communication given to the petitioner and the reasons shown therein have not been challenged by the petitioner, therefore, the writ application, as brought, cannot proceed.

Having heard learned counsel for the petitioner and learned counsel for the State, this court finds force in the submission of learned counsel for the State. Since the petitioner has already been communicated that his request for grant of No Objection Certificate has been rejected, unless the said decision is challenged by the petitioner



in a properly constituted application, no relief may be granted to the petitioner.

This writ application is, thus, disposed of as having become infructuous and not fit to proceed but after giving liberty to the petitioner to challenge the decision of the respondent authorities, if so advised, in accordance with law.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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