

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 4209 of 2019**

Jai Kumar Nandi S/o Shri Patit Pawan Nandi, Aged About 52 Years
Operator, Pradhan Mantri Bhartiya Jan Aushadhi Kendra, Community
Health Centre Patna, District Koriya, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Health,
Family Welfare And Medical Education, Mahanadi Bhawan, New
Mantralaya, Naya Raipur, Chhattisgarh
2. Chief Medical And Health Officer, District Koriya, Chhattisgarh
3. Zonal Officer, Pradhan Mantri Bhartiya Jan Aushadhi Pariyojana,
Sarguja Zone, Head Quarter Ambikapur, District Sarguja, Chhattisgarh
4. Block Medical Officer, Community Health Centre Patna, District Koriya,
Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Pushkar Sinha, Advocate
For State	:	Mr. Ayaz Naved, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****22.11.2019**

1. The challenge in the present writ petition is to the order Annexure P-1
dated 12.09.2019 whereby the petitioner was granted one month time
for vacating the Pradhan Mantri Bhartiya Jan Aushadhi Kendra at
Community Health Centre Patna, District Koriya.
2. The contention of the counsel for the petitioner is that even today the

petitioner is operating the said Jan Aushadhi Kendra in spite of the period of one month, as per the impugned notice, is over. According to the petitioner, he was granted the operational right of Pradhan Mantri Bhartiya Jan Aushadhi Kendra at Community Health Centre Patna, District Koriya in the year 2017 for a tenure of 3 years which is to expire only in 2020 with a renewal clause of another 3 years i.e. till 2023. However, abruptly, now Annexure P-1 has been issued by the respondent no.4 for closure of the Jan Aushadhi Kendra without any authority and enquiry being conducted.

3. According to the counsel for the petitioner, the contents of Annexure P-1 cast certain stigma against the petitioner as there is an allegation of unsatisfactory performance as also in respect of various complaints that the respondent no.4 has received. According to the petitioner, that the said complaint or unsatisfactory performance part has never been put to the petitioner by way of any show cause notice or any explanation called for and the authority has straightway issued the notice for closure of the said Jan Aushadhi Kendra. Counsel for the petitioner refers to Clause-7 of the agreement wherein the power of termination has been conferred upon the BPPI (Bureau of Pharma PSUs of India). However, in the instant case, the termination order has been issued by the respondent no.4 who is otherwise not competent and eligible. He further submits that the petitioner has already approached the BPPI for ventilating his grievances by way of representation which till date is pending consideration.
4. Given the fact that the claim of the petitioner is pending before the BPPI though the said BPPI is not a party in the present writ petition, it

would be in the larger interest of justice if the BPPI considers and decides the claim of the petitioner in accordance to its merit as per the guidelines governing the field at the earliest.

5. The writ petition accordingly stands disposed of.

Sd/-
P. Sam Koshy
Judge