

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24343 of 2018

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Abhishek Dwibedi Son of Sri Deo Narayan Dwibedi Resident of Mohalla-
Maulabagh (North of Yadav School), Tara Sadan, Police Station- Arrah
(Nawada), District- Bhojpur

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Chief Secretary, Government of Bihar, Patna
3. The Principal Secretary, Department of Health and Family Welfare,
Government of Bihar, Patna
4. The Special Secretary, Department of Health and Family Welfare,
Government of Bihar, Patna
5. The Deputy Secretary, Department of Health and Family Welfare,
Government of Bihar, Patna
6. The Bihar Health Services Association, through its Secretary, South Gandhi
Maidan, Patna, Bihar
7. The Indian Medical Association through its Secretary, South Gandhi
Maidan, Patna, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar, Adv
For the Respondent/s : Mr.Lalit Kishore , AG

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(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 07-12-2020

Heard learned counsel for the parties.

Petitioner has prayed for the following relief:-

"(i) for appropriate direction/command upon the
respondents to declare the Medical Services as an
emergency service in order to ensure zero interruption in
health facilities provided by the state Government to the
subject of the State,

(ii) for appropriate direction/command upon the



respondents to adopt/install modern and latest scientific method/equipments to monitor and to keep vigilance over the medical staffs including the doctors at their respective working place and to ensure punctuality at their respective jobs/duties,

(iii) for appropriate direction/command upon the respondents concerned restraining from calling doctors' strike or stop working at Government Hospitals/ Primary Health Centers, etc. Further, if aggrieved, to mark their proper symbolically such as putting on black ribbon, etc. but not to interrupt the medical services by abstaining from duties enjoined.

(iv) for declaring the call for strike by the doctors or abstaining from the duties by the medical staffs including the doctors illegal, unethical and violative of rights of the subject of State,

(v) for direction upon the State Government to ensure proper and effective vigilance over the medical staffs including the doctors and restrain from private practice during duty hours."

After the matter was heard for sometime, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the respondent no. 3, Principal Secretary, Department of Health to consider and decide the representation with respect to issues raised in such representation.

Learned counsel for the respondent states that if such representation is filed before the respondent no. 3 Principal Secretary, Department of Health, Bihar, Patna, same shall considered and decided within a period of two months from the date of receipt of such representation in accordance with law.

Equally liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available



in accordance with law.

Liberty reserved to petitioner to approach the court, if the need so arises subsequently on the same and subsequent cause of action.

The writ petition is accordingly, disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

