

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22155 of 2018

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Abhishek Kumar alias Abhishek Jaiswal, S/o Sri Sunil Kumar, resident of Power House Road, Rajendra Nagar, Begusarai, P.S. and District- Begusarai - 851101.

... .. Petitioner

Versus

1. The State Of Bihar Through the Chief Secretary, Govt. of Bihar, Old Secretariat, P.S.- Sachivalay, District – Patna.
2. The Principal Secretary, Department of Health, Government of Bihar, Patna.
3. The Director-in-Chief, Health Services, Government of Bihar, Patna.
4. The District Magistrate, Begusarai.
5. The Civil Surgeon-cum- Chief Medical Officer, Begusarai.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Arun Kumar Sinha, Adv.
For the Respondents : Mr. Ajay Bihari Sinha, GA-8

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-01-2020 The petition filed on 19.11.2018 is listed for hearing
for the first time today before the Court.

Heard learned counsel for the petitioner and learned
counsel for the respondents.

Petitioner has prayed for the following reliefs:

“(i) To issue a writ of mandamus commanding the
Respondents to take immediate steps for improving
the pathetic condition of health services in the
district of Begusarai, as none of the Primary Health
Centres are working properly and Sadar Hospital is
being run and dependent totally on the mercy of



local Doctors, some of them are posted for the last twenty years and the people in general are suffering being victim of the monopoly and Bossism of local Doctors, who are running their private clinic fearlessly and seldom attending the patient admitted in Government Hospital.

(ii) To issue a writ of mandamus commanding the Respondents to implement their own resolution as contained in Annexure-3 series in its letter and spirit by transferring the Medical Officers, who are posted in Begusarai District for more than three years, although their home district is Begusarai but they have managed to mention their home district other than Begusarai in the service record.

(iii) To any other relief/reliefs which the Hon'ble Court may find suitable in the interest of society & to improve the health services and to prevent the sufferings of the people from being exploited by the local Doctors posted in the Government Hospital.”

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the concerned respondents to consider and decide the representation, which the petitioner shall be making afresh within a period of four weeks from today.

Learned counsel for the State states that upon receipt of such request, if any, the same shall be dealt with in accordance with law, expeditiously and positively within a period of three months from the date of receipt thereof.



Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

The petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

P.K.P./-Rajeev
Kumar

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