

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.247 of 2019

Indrajit Prasad Das @ Indrajeet Das Son of Lakshmi Prasad Das, Resident of Ward No.25, Mahmood Chowk, P.S. and District- Katihar.

... .. Petitioner/s

Versus

1. Union Of India Secretary, National AIDS Control Organization (NACO), 9th Floor, Chandralok Building, Building Janpath, New Delhi.
2. Principal Secretary, Department of Health, Bihar.
3. The Principal Secretary, Department of Social Welfare, Bihar.
4. The District Magistrate, Katihar.
5. The Chief Medical Officer-cum-Civil Surgeon, Katihar.
6. The Secretary, Ministry of Health and Family Welfare, Government of India, New Delhi.
7. The Project Director, Bihar State AIDS Control Society, Sheikhpura, Patna.
8. The Nodal Officer, Anti Retroviral Therapy ART Center, Katihar Medical College, Katihar.

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Vikash Kumar Pankaj, Advocate
For the UOI	:	Mr. S.D. Sanjay, Addl. S.G.
		Mr. Kumar Priya Ranjan, CGC
For Respondent No.7	:	Mr. K. K. Sinha, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 07-01-2020 The petition filed on 03.01.2019 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 relief/s:

“To issue writ order/direction in nature of mandamus



directing the Respondents particularly, Respondent No. 3 to 5 & 7 to forthwith immediately appoint at least one qualified Doctor and a nurse at the Anti Retroviral Therapy (ART) Center, Katihar as the same is running without a qualified Doctor or nurse and the ARV medicines & Opportunistic Infection (O.I.) Medicines are being distributed without the prescription or in consultation of an M.B.B.S. doctor.”

Learned counsel for the respondents states that the petition has become infructuous for the reason that the issues raised by the present petitioner already stands redressed.

Be that as it may, it is always open for the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We do not express any opinion on merits of the petition.

The petition stands disposed of with the liberty aforesaid.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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