

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6951 of 2020

=====

Brajesh Sahay, S/o Sri Mithileshwar Prasad Sinha, R/o-Near Chitrgupt
Mandir Shiv Ratan Bhawan, Hospital Road, Buxar, P.O. Buxar, Distt-Buxar,
Bihar-802101.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Joint Secretary, Health Department, Government of Bihar, Patna.
4. The Director-in-Chief, Health Services, Bihar, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Gopi Jha, Advocate

For the Respondent/s : Mr. S.D.Yadav, AAG-9

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-12-2020

Petitioner has prayed for the following relief(s):-

“That the petitioner being a public spirited person/social worker without any motive seeks indulgence of this Hon’ble Court and by way of the instant public interest litigation matters, endeavours to raise a public cause of issue of immense public importance relating to specialized healthcare



facilities being provided by the Government of Bihar and prays for issuance of the mandamus directing the respondent State to properly develop and run with consistent and permanent policy and to frame proper rule/regulation to develop and run three super speciality Hospitals namely, LokNayak Jai Prakash Speciality Orthopaedics Super Specialty Hospital, Rajbanshi Nagar Patna, Endocrinology Super Specialty Hospital, Patna and Rajendra Nagar, Eye Super Specialty Hospital, Patna and further to effectively and efficiently to run the aforesaid super-specialty Hospitals serving the masses in the best possible manner.”

Learned counsel for the State opposes the petition stating that the petition is misconceived; raises disputed question of fact; is not in public interest; and that the issue can be best resolved at the Government level by the appropriate authorities.

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner will be content if a direction is issued to the concerned respondent(s) to consider and decide the representation which the petitioner shall be filing for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the respondent No. 2, namely, the Principal Secretary, Health, Government of



Bihar, shall consider and dispose it of expeditiously and preferably within a period of two months from the date of its filing along with a copy of this order.

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.

Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

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

We have not expressed any opinion on merits. All issues are left open.

The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode.



The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, also stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	26.12.2020
Transmission Date	

