

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1292 of 2015

Pragya Bharti (Bihar) through its Secretary Dr. BhupendraKumar Mishra, Son of Baliram Mishra, R/o Mohalla- Sheoganj Arrah, P.S. Arrah Town, District- Bhojpur.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary to the Govt. Cabinet Secretariat and Co- Ordination Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Health Department, Govt. of Bihar, Patna.
3. The Health Secretary-Cum-Executive Director, State Health Society, Bihar, Patna.
4. District Magistrate, Katihar.

... .. Respondents

Appearance :

For the Petitioner :	Mr. Vishwajeet Kumar Mishra, Advocate
For the Respondent State:	Mr. Sita Ram Yadav, GP-16
For Respondent No. 3 :	Mr. K.K. Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

10 20-01-2020 Following is the relief, which the petitioner is seeking : -

“1. That this writ application is being filed for issuance of an appropriate writ/order/direction upon the Respondent Nos. 1 to 3 to initiate action on the basis of the enquiry report submitted by the enquiry committee vide letter no.815 dated 05.11.2012 to the District Magistrate Katihar and also on the basis of letter no.2544 dated 21.03.2013 sent by the Respondent Health Secretary-cum-Executive Director, State Health Society, Bihar, Patna against the then Civil Surgeon Katihar and other concerned govt. officers/officials and the medicine shops for purchase/sale of medicines at Local level and storage/distribution of the medicines in the financial years 2009-10, 2010-11 and 2011-12 by adopting



fraudulent method and committing heavy irregularities for their own illegal benefit.

1/A. That the petitioner further prays for issuance of an appropriate writ/order/direction upon Respondent Nos. 1 to 3 to punish the then Civil Surgeon Katihar, the then R.D.D., Health Services Purnea Division, Purnea and other concerned officials on the basis of the abovementioned enquiry report dated 05.11.2012 and the letter dated 21.03.2013 and to recover the amount of loss to the public exchequer from them as a deterrent major so that it may become a lesson to the other Govt. officials/Persons engaged in such kind of illegal act.

1/B. That the petitioner further prays for issuance of any other appropriate writ/order/direction upon Respondents to which he is found entitled to.”

The Court, by order dated 13.01.2020, had desired to know about the purpose for which the N.G.O., which has filed the writ application, was established along with the memorandum of association. A memorandum of association has been brought on record by way of supplementary affidavit, in which it is mentioned that one of the activities of the N.G.O. is to take steps for eradication of corruption in the society.

It is the petitioner's case that because of the misdeeds of the then Civil Surgeon, Katihar, and the Regional Deputy Director, Health Services, Purnea Division, Purnea, the State has been made to suffer huge loss of public exchequer, which is evident from a report of the Health Secretary, Government of



Bihar-cum-Executive Director, State Health Society, Bihar. It has been stated in the counter affidavit filed on behalf of the respondent State of Bihar that departmental proceedings have been initiated against the said officers and final decision is likely to be taken soon, as the departmental enquiries against them have been concluded with the submission of reports by the Enquiry Officers. Learned counsel appearing on behalf of the State submits that appropriate decision shall be taken soon.

Learned counsel appearing on behalf of the petitioner has submitted that the said misdeeds of the officials attaches criminal liability also and appropriate action is required to be taken against them by filing criminal case.

It will be open for the respondents to take a decision in this regard.

This writ application stands disposed of.

(Chakradhari Sharan Singh, J)

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