

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16625 of 2019

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Kumud Ranjan Mishra, Son of Mahendra Kumar Mishra, Resident of Village-
Pipra, Bagahi, P.S. Kutumba, District Aurangabad, (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department,
Govt. of Bihar, Patna.
2. The District Magistrate, Aurangabad.
3. The Civil Surgeon, Aurangabad.
4. The District Country Medical Officer, Aurangabad.
5. The Sub- Divisional Officer, Aurangabad (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh, Advocate
For the Respondent/s : Mr. Ajay Behari Sinha (GA-8)

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

Date : 08-12-2020

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

“1(I) For quashing of Resolution No. S.S.
16/H.E.-17/2014-/114 (Aa. Chi.) contained in Ann.



1 letter dated 24.01.2019 issued by Deputy Secretary Health Department, Govt. of Bihar, Patna.

(II) For issuance of direction and commanding the respondents do not displace the Govt. Unnai Country Hospital situated in village Pipra Bagahi P.S. Kutumba, Dist- Aurangabad (Bihar) to else where from the village-Pipra, Bagahi.

(III) For grant of any other relief/reliefs for which the petitioner may be found entitle to in the eye of law.

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 local level by the appropriate authorities.

We find that the interest of justice should be best served, if petitioner approaches the concerned respondent within a period of four weeks for venting out his all rights and grievances also pointing out issues of public interest, including the subject matter of the present petition.

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three 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 petitioner 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)

Amrendra/Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	15.12.2020
Transmission Date	

