

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1855 of 2016

=====

Jitendra Kumar Singh, son of Late Shambhu Nath Singh, resident of Mohalla-
Premji Colony, Kharaunia Bagicha, P.S.- By pass, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Patna
2. The Principal Secretary, Health Department, Patna.
3. The Director, Indira Gandhi Institute of Cardiology, Patna
4. The Superintendent, Patna Medical College and Hospital, Patna.
5. The Superintendent, Nalanda Medical College and Hospital, Patna.
6. The Civil Surgeon, Patna.
7. The Chairman, Bihar Public Service Commission

... .. Respondent/s

=====

Appearance :

For the Petitioner/s :

For the Respondent/s :

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-11-2020

On 17th of February, 2020 we had passed the following
order:

“Despite repeated calls none has
appeared on behalf of petitioners. However, in
the interest of justice, the matter is adjourned.

List on 02.03.2020.”

On 2nd of March, 2020 again we had passed the
following order:

“Shri Anjani Kumar, learned



Additional Advocate General No.4 states that with the passage of time the present petition has become infructuous, inasmuch as the respondent-State has taken action in providing the requisite infrastructure at the Patna Medical College & Hospital, including appointment and posting of staff therein.

Despite repeated calls, none has entered appearance on behalf of the petitioner.

In the interest of justice, matter is adjourned.

List on 06.04.2020.”

Even today, despite repeated calls, none has entered appearance.

Petitioner had filed the instant petition, inter alia, praying for the following relief(s):

“1 (I) An appropriate direction be issued commanding the respondents to improve and reform and correct the whole damaged health system and arrangement in the state of Bihar which has become completely failure and in result of which patients/residents of state of Bihar are facing so much problems.

(ii) An appropriate direction be issued commanding respondents to provide proper and adequate essential medical and other required essential facilities to the patients/ resident of state of Bihar in all the



Sadar hospitals, sub divisional hospitals, Primary health centre and all the Medical Colleges And Hospitals situated in the State of Bihar including P.M.C.H. Patna, N.M.C.H. Patna and I.G.I.C. Patna.

(iii) An appropriate direction be issued commanding the Respondents to manage the entire required basic facilities of treatment, availability of Doctors at time, availability of vaccines at vaccination centres, availability of wards, Beds, Canteens, Medicines, Sanitation, Clean and Hygienic environment, well behavior of staffs to the patients in all the Sadar hospitals, sub divisional hospitals, Primary health centre and all the Medical Colleges And Hospitals situated in the state of Bihar including P.M.C.H. Patna, N.M.C.H. Patna and I.G.I.C. Patna.

(iv) An appropriate direction be issued directing the Respondents to conduct enquire into the matter as to whose fault and negligent, unnatural, and inhuman acts the patients/resident of the State of Bihar remains untouched and unfacilitated from the entire required basic facilities of treatment, availability of Doctors at time, availability of vaccines at vaccination centres, availability of wards, Beds, Canteens, Medicines, Sanitation, Clean and Hygienic environment, well behavior of staffs in all the Sadar hospitals, sub divisional hospitals, Primary health centre



and all the Medical Colleges And Hospitals situated in the state of Bihar including P.M.C.H. Patna, N.M.C.H. Patna and I.G.I.C. Patna, And also facing so much problems and it is the condition when the government is spending so many crores annually in health system.

(v) An appropriate direction be issued commanding the respondents to conduct enquiry as to whose irresponsible act after the investment of large amount of money for proper treatment and care of health to patients by the State Government the patients not get proper entire required basic facilities of treatment like availability of Doctors at time, availability of vaccines at vaccination centres, availability of wards, Beds, Canteens, Medicines, Sanitation, Clean and Hygienic environment, well behavior of staffs in all the Sadar hospitals, sub divisional hospitals, Primary health centre and all the Medical Colleges And Hospitals situated in the state of Bihar including P.M.C.H. Patna, N.M.C.H. Patna and I.G.I.C. Patna.

(vi) An appropriate direction be issued commanding the respondents to punish the guilty persons due to whose fault and negligent, unnatural, and inhuman acts the patients/resident of the State of Bihar remains untouched and unfacilitated from the entire required basic facilities of treatment, availability of Doctors at time, availability of



vaccines at vaccination centres, availability of wards, Beds, Canteens, Medicines, Sanitation, Clean and Hygienic environment, well behavior of staffs in all the Sadar hospitals, sub divisional hospitals, Primary health centre and all the Medical Colleges And Hospitals situated in the state of Bihar including P.M.C.H. Patna, N.M.C.H. Patna and I.G.I.C. Patna.

(vii) Any other appropriate writ or direction be issued which may be applicable in the facts and circumstances of the case.”

From the response filed by the State, it appears that the petitioner has lost interest, inasmuch as the grievances stand substantially redressed.

As such, we dispose of the present petition reserving liberty to the petitioner as also any other public spirited person to approach the authorities venting out the surviving grievances as also file a fresh petition on the same and subsequent cause of action, if the need so arises.

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.

We have not expressed any opinion on merits. 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	
Transmission Date	

