

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4556 of 2018

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Vikash Chandra Guddu Baba S/o Late Ramashraya Prasad Singh, presently residing at Mahatma Gandhi Path, Kurji- Baluper, P.O.- Sadakat Ashram, P.S.- Digha, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, Department of Health, Medical Education and Family Welfare, Govt. of Bihar
3. The Director-in-chief, Health Services, Govt. of Bihar, Patna.
4. The Superintendent, Patna Medical College and Hospital, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vikash Chandra Guddu Baba In Person
For the Respondent/s	:	Mr. Pushkar Narayan Shahi -AAG-6
	:	Mr. Manish Kumar, AC to AAG-6

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

8 18-02-2020 Heard learned counsel for the petitioner and learned counsel for the respondents.

Petitioner has prayed for the following reliefs:-

“(i) For issuance of an appropriate writ in the nature of mandamus commanding and directing the respondents to take appropriate action against all those accused persons against whom after enquiry by a enquiry committee headed by the Superintendent of Patna Medical College & Hospital, Patna (PMCH) issued letter No.



8074 dated 03.05.2016 and letter No. 14741 dated 09.12.2016 with respect to misappropriation of public money in crores in purchase of chemicals, re-agent, consumables and anti-bacterial vicryl items in Nephrology & Surgery Department during 2009-10 in said Hospital.”

We are happy to record the steps taken by the Government in ensuring establishment of Kidney Transplant Unit at Patna Medical College Hospital, Patna, which is evident from the affidavit dated 04.02.2020 filed by respondent No. 4.

The relevant contents of the affidavit dated 04.02.2020 are extracted hereunder:-

“9. That it is further humbly submitted that in order to procure factual status of kidney transplant facilities at the Medical College and Hospital, Patna, the Superintendent, PMCH, Patna vide his Memo No. 784 dated 20.01.2020 also requested the Head of the Department, Kidney Disease Department, PMCH, Patna/Managing Director, B.M.S.I.C.L, Patna (i.e. Executive Agency of the Government) for apprising the updated status report regarding kidney transplant facilities at the PMCH., Patna so that it may be apprised before the Hon’ble Court.



10. That it is further humbly submitted that in absence of required report, the Superintendent, PMCH., Patna by way of reminder vide his memo No. 1111 dated 27.01.2020 has again requested the Head of the Department, Kidney Disease Department, P.M.C.H., Patna/Managing Director, B.M.S.I.C.L., Patna (i.e. Executing Agency of the Government) for apprising the updated status report regarding kidney transplant facilities at the PMCH, Patna so that it may be apprised before the Hon'ble Court.

11. That thereafter, the Head of the Department, Kidney Transplant Unit, PMCH., Patna vide his letter dated 28.01.2020 has furnished an updated report regarding kidney transplant at PMCH., Patna.

12. That from perusal of the above said report (vide Annexure-H) the following facts have been furnished.

(i) For Kidney Transplant facilities the building, renovation work and construction work for is being done by the B.M.S.I.C.L., Patna which is incomplete.



(ii) In order to make functional of kidney transplant facilities at PMCH, Patna the Department has been requested for making appointment on various posts of medical and non-medical, which is still pending at the level of the Department.

13. The list of machines and equipment to be used for kidney transplant, a demand letter in this regard had been sent to BMSIL, Patna which is under process at the level of B.M.S.I.C.L., Patna.”

We also notice that 15 persons alleged to have misappropriated Government funds and carried out embezzlement in the purchase of chemicals, reagents, consumables and anti bacterial vicryl weapons used in the Nephrology and Surgery Department at the Patna Medical College and Hospital, Patna stands identified and action taken against them. Not only FIR stands registered, but also with the completion of investigation, charge sheet presented.

At this point of time, we are satisfied that government is serious in taking action against erring officers and also making the unit fully functional.

We direct the State to ensure that the time-line



stipulated for completion of the work “procurement of machinery and recruitment” is adhered to and strictly followed.

As such, with the passage of time, we find the present petition to have served its purpose and dispose of the same with liberty to the writ-petitioner or any other public spirited person to take recourse to such remedies as are available in law, including approaching this Court by filing a fresh petition.

Petition stands disposed of with the aforesaid liberty.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv/-

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