

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21198 of 2018

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Ranjana Kumari W/o Raj Kumar Sah At Present R/o E-5, Tribhuwan's
Chandeshwar Kamla Enclave, Opposite Snehi Path, West Patel Nagar, Patna-
800023

... .. Petitioner/s

Versus

1. The Union Of India through the Secretary, Department of Health and Family Welfare, New Delhi.
2. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Cabinet Secretariat Department, Government of Bihar, Old Secretariat, Patna 800015
4. The Principal Secretary, Department of Health, Medical Education and Family Welfare, Government of Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kumar Brijnandan, Advocate
For the Respondent/s : Mrs. Punam Kumari Singh, Advocate

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

Date : 07-12-2020

Petitioner has prayed for the following relief(s):

“(i) For issuance of an order (s) direction (s) or writ(s) in the nature of Mandamus directing the State of Bihar to identify the site(s) for establishment of second AIIMS-like Super-Speciality Hospital-cum-Teaching Institution under the Pradhan Mantri Swasthya Suraksha Yojana (PMSSY). And/or

(ii) For issuance of further order (s) / direction



(s) or writ(s) in the nature of Mandamus directing the Central Government to select / finalize the site identified by the State Government and expedite the construction / establishment of the second AIIMS-like Super-Speciality Hospital-cum- Teaching Institution under the Pradhan Mantri Swasthya Suraksha Yojana (PMSSY). And/or

(iii) Pass such other order/orders which may appear fit and proper in the facts and circumstances of the instant case.”

On 28th of January, 2020, we had passed the following order:

“From the affidavit dated 24.01.2020 handed over to us in the Court, we find that now in principle, approval stands granted by the Central Government for establishment of second new All India Institute of Medical Sciences under P.M.S.S.Y. at Darbhanga, Bihar. This is, however, subject to fulfillment of certain conditions/clarifications as communicated today vide letter dated 8th January, 2020, which reads as under:

No. Z-28016/113/2015-SSH(Ph-IV)

Government of India

Ministry of Health & Family Welfare

PMSSY Division

3rd Floor, IRCS Building, Red Cross Road, New Delhi

Dated the 8 January, 2020.

To

Sri Sanjay Kumar

Principal Secretary (Health & Family Welfare),

Government of Bihar,



Patna

Sub: Selection of site for establishment of second new AIIMS in Bihar-reg.

Sir,

The undersigned is directed to say that the Competent Authority in the Ministry of Health & Family Welfare, Government of India, has approved the site offered by the Government of Bihar, Patna vide their letters dated 29.11.2019, 12.12.2019 and 30.12.2019 and as per the commitments made therein, for establishment of second new All India Institute of Medical Sciences (AIIMS) under PMSSY at Darbhanga, Bihar, subject to the following conditions:

- i. Four-lane connectivity from Institute to NH-57 shall be provided by the State Govt.
 - ii. Required railway over-bridge construction cost shall be borne by the State Govt.
 - iii. 75 acres of encumbrance free land on one side would be made available by the State Govt. in 6 months time. The State Government will also make available the remaining side free of any encumbrances for which the State Government will share detailed timeline for handing over the rest of the encumbrance free land at the earliest.
 - iv. Required 20 MW electricity shall be provided by the State Govt. for full fledged operationalization of AIIMS.
 - v. Sufficient water supply shall be made available by the State Govt.
 - vi. Cost of required sand filling on the site (around 3-4 ft) to bring the site at a level about 1.5 meters below the adjacent railway track level as per requirement, shall be borne by the State Govt.
 - vii. Nearest functional bio-medical waste disposal plant, to be made available by the State Govt.
 - viii. Proper Sewage and effluent waste disposal facilities from the site to be made available by the State Govt. at operational stage of the AIIMS.
 - ix. Removal of all hindrances from the site by the State Government, including making provision for dismantling of old buildings and to make encumbrance free land available.
 - x. Necessary clearance from various State Government Departments to be provided by the State Govt. in a fast tract single window mode.
2. Government of Bihar is, therefore, requested to give information about their commitments as indicated above and intimate the same to this Ministry to enable the Ministry to take further necessary action in the matter.



Yours faithfully
Sd-(Sanjay Roy)
Director (PMSSY)
Tel:23736970

Copy to:

1. PS to HFM
2. PS to Secretary (HFW)/PPS to SS(AS)/PPS to JS (SS)”

Mr. Lalit Kishore, learned A.G., prays for one week’s time for ascertaining the factual position with regard to fulfillment of the said condition.

Prayer allowed.

Before the next date, affidavit of the concerned Secretary be filed.

List on 10.02.2020.”

In principle, the decision now stands taken by the Government for setting up the 2nd AIIMS under PMSSY at Darbhanga, Bihar. As such, with the passage of time, the present petition, in our considered view, has outlived its purpose.

At this stage, Shri Kumar Brijnandan, learned counsel for the petitioner, invites our attention to the communication dated 5th of October, 2020, written by the Ministry of Health and Family Welfare, Government of India, to the Principal Secretary, Health and Family Welfare, Government of Bihar, Patna. The communication highlights certain requirements to be fulfilled by the State Government.



No other submission is made.

We see no reason as to why the State would not take appropriate action, as is so required in accordance with law, in meting out the requirements ensuring that the Institute stands established at the earliest.

Liberty reserved to the writ petitioner to approach the authorities pointing out grievances, if any, as also approach this Court by way of filing separate writ petition, if so required and desired.

Petition stands disposed of.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

DKS/-

AFR/NAFR	
CAV DATE	
Uploading Date	10.12.2020
Transmission Date	

