

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6654 of 2020

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Chandan Kumar Singh, Son of Manoj Kumar Singh, Resident of Village-
Khairawa, Riga Marg, P.O.- Maniyari, P.S.- Maniyari, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Health Department, Patna.
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Director-in- Chief Health Services, Bihar, Patna.
4. The District Magistrate Sitamarhi.
5. The Civil Surgeon-cum- Chief Medical Officer Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Respondent/s : Mr. Arvind Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 09-08-2021

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

(I) For issuance of an appropriate writ/s,
order/s, direction/s to the respondents to take appropriate
action against the erring persons for misappropriation of
government fund in light of the enquiry report submitted by
Addl. Collector, Sitamarhi to District Magistrate, Sitamarhi
where after the said report was forwarded by District
Magistrate, Sitamarhi to the respondent no.2 on 30.11.2019
for taking appropriate action in accordance with law but till
date no action has been taken which has emboldened the

corrupt officials to misappropriate the amount.

(ii) For issuance of an appropriate writ/s, order/s, direction/s to the respondents to recover the misappropriated amount which was disbursed by the government of Bihar for welfare of lower strata of people and to provide them better health facility but a large portion of that amount has been misappropriated by officials and other staffs, and thereafter register a suitable prosecution against those persons so that guilty may be brought to book.

(III) For issuance of an appropriate writ/s, order/s, direction/s to the respondents to stop taking work from the out sourcing agency who was appointed earlier but his tender was not renewed but at the instance of respondent no.5, the said outsourcing agency is getting benefit of inaction of the civil surgeon because he did not float new NIT for the outsourcing work.

(iv) For issuance of an appropriate writ/s, order/s, direction/s to the respondent no.2 to take action against the responsible person for misappropriation of fund in purchase of medicine in Civil Surgency, Sitamarhi.

(V) To pass such other order/orders as your Lordships may deem fit and proper in the facts and circumstances of this case.”

Counter affidavit has been filed on behalf of Health Department, in which, it is stated that District Magistrate, Sitamarhi by letter dated 13.11.2019 forwarded an enquiry

report to the Health Department, Government of Bihar regarding irregularity committed in purchase of lime, bleaching power and gamaxin powder for sprinkling in the flood affected area under the jurisdiction of Civil Surgeon, Sitamarhi in the year 2019 and thereafter, action was taken by Civil Surgeon-cum- Chief Medical officer, Sitamarhi and one Pradeep Kumar and Prem Shankar Verma, Clerk and Head Clerk in the office of Civil Surgeon, Sitamarhi were put under suspension for their various acts of omission and commission.

It was further stated by the Health Department, Government of Bihar in its supplementary affidavit that vide letter dated 28.7.2021, departmental proceeding was initiated against Dr. Ravindra Kumar, the then Civil Surgeon, Sitamarhi as well as other Medical Officers who have been *prima facie* found to be guilty of committing irregularity.

In such view of the matter, when on the complaint made by the petitioner, appropriate action has been initiated against all the erring authorities who were found to have committed various acts of omissions and commissions and said irregularities and misconduct are being examined and inquired by the Health Department itself, this Court is not inclined to continue with this PIL and, accordingly, present PIL is disposed

of with a direction to the Health Department to conclude the enquiry proceeding initiated against erring persons expeditiously preferably within six months from the date of receipt/production of a copy of order passed by this Court, and take appropriate action against the persons found guilty of committing irregularities and misappropriation of government fund at the earliest.

Liberty reserved to the petitioner to approach this Court for same and subsequent cause of action, if so arises.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/-Veena

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.11.2021
Transmission Date	NA