

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8448 of 2020

Nirwana Netralya represented through Arvind Kumar, aged about 42 yrs., male, Son of Wakil Prasad, Residing at Ward no. 40, Maa Tarachandi Road, Atkhambawa, P.S. Sasaram Town, District - Sasaram, Bihar - 821115.

... .. Petitioner/s

Versus

1. The State of Bihar represented through the Principal Secretary, Department of Health, Patna, Bihar.
2. The Bihar Swasthya Suraksha Samiti through its C.E.O., 2nd Floor, Secretariat Extension Building, Block 3, Old Secretariat, Patna - 800015.
3. The Deputy Secretary-cum-Administrative Officer, Bihar Swasthya Suraksha Samiti, AB-PMJAY, Parivar Kalyan Bhawan, Shekhpura, Patna - 800014.
4. The Medical Officer, Bihar Swasthya Suraksha Samiti, AB-PMJAY, Parivar Kalyan Bhawan, Shekhpura, Patna - 800014.
5. The Jharkhand State Aarogya Samiti, through its the Deputy Secretary-cum-Additional Executive Director, Ranchi, Jharkhand.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bipin Bihari, Advocate
For the State	:	Ms. Kalpana, AC to GA 8
For the BSSS	:	Mr. Shantanu Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 08-04-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Bipin Bihari, learned counsel for the petitioner; Ms. Kalpana, learned AC to GA 8 for the State and Mr. Shantanu Kumar, learned counsel for the Bihar Swasthya Suraksha Samiti (hereinafter referred to as the “BSSS”).

3. The petitioner has moved the Court for the following reliefs:

“(i) To issue a writ of Mandamus or



Certiorari by quashing and setting aside thereby Annexure-9 i.e. the impugned office order no.-1573 dated 18-09-2020 issued by the respondent no. 3- The Deputy Secretary-cum-Administrative Officer, Bihar Swasthya Suraksha Samiti, AB-PMJAY, Parivar Kalyan Bhawan, Shekhpura, Patna-800014 being ultravires as per the statement of the respondent no. -4 (Annexure-10) to the Prime Minister office on 18-09-2020 whereby and where under without having jurisdiction to interfere in the matter of Respondent no. -5 and without getting legal sanction from the Respondent no. -5, the impugned office order no. -1573 dated 18-09-2020 was issued by the respondent no. -3-The Deputy Secretary-cum-Administrative Officer, Bihar Swasthya Suraksha Samiti, AB-PMJAY, Parivar Kalyan Bhawan, Shekhpura, Patna-800014 to this petitioner.

(ii) To direct the Respondents particularly the Respondent no. -3 and 4 to produce the legal sanction of the Respondent no. -5 on the basis of which the impugned office order no. - 1573 dated 18-09-2020 has been issued by the respondent no. 3 to this petitioner on behalf of respondent no. -5.

(iii) To hold and declare the impugned action of the respondents particularly The respondent no. -3- Deputy Secretary-cum-Administrative Officer, Bihar Swasthya Suraksha Samiti, AB-PMJAY, Parivar Kalyan Bhawan,



Shekhpura, Patna-800014 as illegal, bad in law as being Ultravires.

(iv) To consequentially direct the respondents particularly The Deputy Secretary-cum-Administrative Officer, Bihar Swasthya Suraksha Samiti, AB-PMJAY, Parivar Kalyan Bhawan, Shekhpura, Patna-800014 and its official to perform their duties as per the terms of the agreement and to not mislead the statutory authority by way of false submission and to issue show cause notice to Respondent no. -3 and 4 for misleading the statutory authority to conceal their misdeeds.

(v) Any other relief or reliefs which the petitioner may be found entitled to in the facts and circumstances of the case.”

4. Having heard the parties, the Court finds that the order impugned itself stipulates that it was for a period of three months and due to efflux of time, now nothing further remains to be adjudicated.

5. Moreover, learned counsel for the BSSS submitted that if there is any grievance remaining, there is a provision for the party to move before the State Level Grievance Redressal Committee which is headed by the Principal Secretary of the Health Department, Government of Bihar and after that also there is provision for moving before the National Grievance



Redressal Committee, which the petitioner may avail.

6. Having regard to the aforesaid, the writ petition stands disposed off.

(Ahsanuddin Amanullah, J)

Anjani/-

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