

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10593 of 2020

Swati Traders through its Proprietor namely Anil Kumar, aged about 48 years,
Male, Son of Nageshwar ram, Resident of Railway Gumti No. 2 (in front of
poor house), Kali Asthan Gali, District- Munger

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department,
Government of Bihar, Patna
2. The Principal Secretary, Health Department, Government of Bihar, Patna
3. The Civil Surgeon cum Chief Medical Officer, Munger

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vijaya Laxmi Srivastawa, Advocate

For the Respondent/s : Mr. Ajay Behari Sinha, G.A. 8

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 16-11-2021

Petitioner has prayed for the following relief(s):

- (i) For issuance of writ in the nature of mandamus directing and commanding upon the respondents authorities for make payment of Rs. 2,63,312,00/- for supply of Medicine (Diclofenac INJ 3ML, 10000 pieces, Etophylline Theophylline INJ. 5000 piece, Cotton 400 gm. 800 badle, Bandage Than 200 pieces, surgical spirit- 200 bottle.) made by the petitioner in terms of the letter dated 23.08.2018 vide Memo No. 1625 issued under the



signature of Civil Surgeon cum Chief Medical Officer, Munger as same has not been paid despite of passage of more than 2 years from the time of delivery/supply.

- (ii) For issuance of writ in the nature of mandamus directing and commanding upon the respondents authorities to make payment (Acelophenic PCM Tab- 100 G/G+325 HO) 199600 made by the petitioner in terms of the letter bearing Memo No. 1727 dated 01.09.2018 under the signature of Civil Surgeon cum Chief Medical Officer, Munger and same has not been paid despite of passage of more than two years from the time of delivery/supply.
- (iii) For issuance of writ in the nature of mandamus directing and commanding upon the respondents authorities to make payments of Rs. 6,50,249/- for supply of medicine of (Acelophemic.+100 mg.+325 mg. 199806, Acelopheimit Pem 100Mg.+325 mg., 199200, Acelophemic + PcM 100 mg. + 325 mg. 1400 made by the petitioner in terms of the letter dated 01.09.2018 vide Memo No.1727 issued under the signature of Civil Surgeon cum Chief Medical Officer, Munger as same has not been paid despite of passage of more than two years from the time of delivery.
- (iv) For issuance of writ in the nature of mandamus directing and commanding upon the respondents authorities to make payments of Rs. 72576.00/- for supply of the medicine of (Diclophemic- Inj 3 mg.- 1x200000, 3004 dexamathasone INJ-2 mg. 1X2000, 3004 made by the petitioner in terms of the letter bearing Memo No. 2523 dated 13.12.2018 made under the signature of Civil Surgeon cum Chief Medical Officer, Munger as same has not been paid despite of passage of more than two years from the time of delivery/supply.”



After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to Respondent No. 3, namely The Civil Surgeon-cum-Chief Medical Officer, Munger, to consider and decide the representation to be filed, within a period of three months from the date of its presentation.

Without expressing any opinion on merits of the claim, petition is disposed of with the liberty aforesaid. All issues on facts and law are left open.

Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

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.



The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS/-

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