

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3630 of 2021

=====

Akta Bharti D/o Abhay Kumar resident of village- Amni, P.s.- Khagaria,
Dist.- Khagaria, Bihar, Pin code-851214

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary to the Government of Bihar, Patna
2. The Chief Secretary, Government of Bihar, Patna
3. The Principal Secretary, Health Department, Govt. of Bihar, Patna
4. The Director in Chief Health Services, Govt. of Bihar, Patna

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh, Advocate
For the Respondent/s : Mr. S. D. Yadav, AAG 9

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 29-06-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“This is an application for issuance of writ of mandamus or other appropriate writ(s), order(s) and direction(s) commanding the respondents to direct the respondent authorities to save the lives of poor patients of Bihar who are being provided medicines in different government hospitals under the State of Bihar through unskilled persons in place of providing medicine through skilled health worker like Pharmacist in view of Drugs & Cosmetic Act, 1940, Rules 1945 and Pharmacy Act 1948 as the provisions of aforesaid Act/Rules are being violated in Bihar;
and / or any other order/ orders or relief /



reliefs for which the petitioner may found to be entitled in the facts and circumstances of the case.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three months from the date of its



filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) 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;

(f) Liberty reserved to the petitioner to approach the Court, if the need so rises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits. All issues are left open;

(h) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.



Interlocutory Application(s), if any, stands disposed
of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.06.2021
Transmission Date	NA

