

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10585 of 2020

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Nirwana Netralya represented through Arvind Kumar aged about 42 yrs,
Male, Son of Wakil Prasad, Resident 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, The 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

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Appearance :

For the Petitioner/s : Mr.Bipin Bihari, Advocate

For the Respondent/s : Mr. S.D. Yadav, AAG-9

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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) 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 – The 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.”

Learned counsel for the petitioner states that the very same petition stands registered twice. This petition needs to be disposed of in terms of the order already passed in the earlier writ petition being C.W.J.C. No. 8448 of 2020, titled as Nirwana Netralya Vs. The State of Bihar & Ors.

As such, petition is disposed of with the direction that the order passed in C.W.J.C. No. 8448 of 2020, titled as Nirwana Netralya Vs. The State of Bihar & Ors. (supra) be also placed on the digital and physical file of this petition.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS/-

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