

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1203 of 2021**

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Avinandan Kumar Son of Krishna Bhushan Singh, resident of Village - Adalpur near Hanuman Mandir, P.S. Hajipur Sadar, District - Vaishali at Hajipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Director -in-Chief, Health Services, Bihar, Patna.
4. The State Health Society, Bihar, Patna through the Executive Director.
5. The Executive Director, The State Health Society, Bihar, Patna.
6. The District Magistrate-cum-Chairman, District Health Society, Vaishali, District - Vaishali at Hajipur.
7. The Civil Surgeon-cum- Member Secretary, District Health Society, Vaishali, District - Vaishali at Hajipur.
8. The Incharge Medical Officer, Primary Health Central-cum-Referral Hospital, Lalganj, District - Vaishali at Hajipur.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Anil Kumar, Advocate  
For the Respondent/s : Mr. S. Raza Ahmad, A.A.G. 5

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE S. KUMAR**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 16-11-2021**

Petitioner has prayed for the following relief(s):-

“(I) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities for payment of a sum of Rs.9,98,500/- (Rupees Nine Lacs Ninety Eight Thousand Five Hundred Only) to the petitioner for which a bill has already been raised by the petitioner



against the ultrasound done by the petitioner for the period from October, 2018 to May, 2019 pursuant to the order/direction of the competent authority and the same was duly accepted by the Respondent no.8.

(II) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities to pay the aforesaid amount with statutory as also the pendentelite interest as the petitioner had invested the huge amount for discharging the said work after raising it from the open market and for which the petitioner is bound to pay the interest for the money borrowed by it.

(III) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.”

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. 6, namely The District Magistrate-cum-Chairman, District Health Society, Vaishali 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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