

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1957 of 2021

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Suvendra Dubey @ Shubhendu Dubey S/O- Late Amernath Dubey, Resident of Village- Uttar Rampur, P.O.- Chapor, P.S.- Chakulia, District- Uttar Dinagpur, State- West Bengal.

... .. Petitioner/s

Versus

1. The Secretary, Ministry of Health and Family Welfare Government of India, having office at Room No 156- A, A wing, Nirman Bhavan, New Delhi 110011.
2. The Chairman, National Medical Commission, C/O- Ministry of Health and Family Welfare, Government of India, having office at Room No 156- A, A wing, Nirman Bhavan, New Delhi 110011.
3. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
4. The Principal Secretary, Home Department, Government of Bihar, Patna.
5. The Principle Secretary, Health Department, Government of Bihar, Patna.
6. The Director General of Police, Bihar, Patna.
7. The District Magistrate, Kishanganj, District- Kishanganj, Bihar.
8. The Superintendent of Police, Kishanganj, Bihar.
9. The S.H.O. Sadar Police Station, Kishanganj, District- Kishanganj, Bihar.
10. Mata Gujri Memorial Medical Collage and Lions Seva Kendra Hospital at Kishanganj (Bihar) through the Medical Superintendent and/ or any competent official, Purabpalli Road, Kishanganj, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar, Advocate
For the Respondent/s : Mr. S.D. Yadav, AAG-9

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

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 29-06-2021

Heard learned counsel for the parties.

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



“I. For issuance of a writ of mandamus directing the respondents authorities to constitute a high level inquiry committee constituted of members from the police/Home Department of the State of Bihar, members from the state civil administration, members from the Medical Council of India, members from the Enforcement Directorate and also some renowned doctors and/or experts who could evaluate a medical facility in terms of irregularities practiced in there, to inquire the gross illegalities and irregularities/embezzlement of money and resources thereby affecting lives of citizens seeking treatment and non-cooperation of the private respondent to access the clinical documents that would reveal the true picture and direct the said committee to submit a report at the earliest.

II. For issuance of a writ of mandamus for commanding the respondents to initiate forensic audit of the accounts of the said respondent hospital to find out that for what interest the said hospital is being allowed to operate continuously without complying with the standard norms, rules and operating procedures and without adequate qualified medical personnel.

III. For issuance of a writ of mandamus for commanding the respondents to take appropriate action against the erring authorities who despite several representations/public petitions could not take any action to restrain respondents from illegalities being done and still in practice at the respondent hospital.



IV. For issuance of a writ in the nature of certiorary commanding the respondents and their men, agents and assigns to submit all the relevant documents and case records including the recorded statements of the complainant and the witness in the case, if any, before this Hon'ble Court to review the matter complained of.

V. For issuance of any other relief/reliefs which may deem fit and proper of the facts and circumstances of the case and for which the petitioner may entitle.”

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)

Rajiv/veena-

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

