

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6478 of 2022

Vikash Chandra @ Guddu Baba S/o Late Ramashray Prasad, R/o House No. 39, Road No. - 12, Indrapuri, P.O. Keshari Nagar, P.S.- Patliputra, Dist. - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
3. The Additional Chief Secretary, Department of Health, Govt. of Bihar, Patna, New Secretariat, Patna.
4. The Secretary, Department of Department of Health, Department of Health, Govt. of Bihar, New Secretariat, Patna.
5. The Additional Secretary to the Govt. Department of Health, Govt. of Bihar, New Secretariat, Patna.
6. The Secretary, Department of Department of Health, Department of Health, Govt. of Bihar, New Secretariat, Patna.
7. The Director in Chief (Administration), Health Services, Department of Health, Department of Health, Govt of Bihar, New Secretariat, Patna.
8. The Divisional Commissioner, Patna Division, Patna.
9. The District Magistrate, Patna.
10. The Superintendent Patna Medical College and Hospital, Patna.
11. The Deputy Superintendent Patna Medical College and Hospital, Patna cum Public Information Officer, P.M.C.H. Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh
For the Respondent/s : Mr.S.D. Yadav (Aag9)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 15-11-2022

In the instant petition, petitioner has prayed for the following relief(s):-

“That through this application the Petitioners seek following reliefs:-

(1). To issue an appropriate writ, order or



direction for Instituting a High Level Committee/Special Investigation Team/Vigilance Inquiry in to the large Scale Bungling, Fraud and Financial irregularities with respect to the Funds of the ROGI KALYAN SAMITI, PMCH AND AAYUSHMAN BHARAT Amounting to around Crores.

(ii) To issue further appropriate writ, order or direction for also investigating the large Scale Bungling, Fraud and Financial irregularities with respect to the Annual Maintenance Contract/Comprehensive Maintenance Contract of Machine and Equipments installed and existing and running in the different Departments/Faculties of the PMCH, Patna.

(ii) To issue further appropriate writ, order or direction to complete the Inquiry/Investigation within a time Schedule as fixed by this Hon'ble Court.

(ii) To issue further appropriate writ, order or direction commanding the Respondents to take suitable Penal and Departmental Actions as against all the wrong doers on the basis of the findings/ outcome of the above noted High Level Inquiry/Investigation, forthwith without any further delay.

(iv) This Hon'ble Court may adjudicate and hold that it was the statutory duty of the Respondent Additional Principal Secretary, Health to consider the vital issues raised in complaint filed by petitioner on 11.03.2022.

(v) This Hon'ble Court may further adjudicate and hold that Respondents have duty to see that Accounts involving huge Public Money amount of Crores with respect to the ROGI KALYAN SAMITI, PMCH AND AYUSHMAN BHARAT is properly maintained in a public view as it deals with huge Public Money/Fund.

(vi) This Hon'ble Court may further adjudicate and hold that the Respondents are duty bound to see that Accounts involving Annual Maintenance Contract/Comprehensive Maintenance Contract of Machine and Equipments installed and existing and running in the different Departments/Faculties of the PMCH, Patna involving huge Public Money amounting to about FIVE CRORES is properly maintained in a public view.



(vii) To award any other relief or reliefs as this Hon'ble Court may deem fit and proper in the light of the facts of this case”.

The aforesaid relief is not supported by necessary material and the petitioner has also not approached the concerned authority in the light of scheme of National Health Mission.

“Para 5.10.1 Governing Body

Chairperson : Sub Divisional Magistrate/Block Development officer, Panchayat Samiti

Co-Chair : District programme officer (deputy CMO or equivalent) in charge

Member-Secretary : A Senior Medical Officer of the Hospital, nominated by Officer-incharge of the hospital Superintendent of the hospital

Members:

* officer-in-charge of the hospital

* An AYUSH doctor from a CHC

*Block level officers of ICDS, rural development, Panchayati Raj, Water and sanitation, education and social welfare

* Representative of health sector NGO working in the area

* An eminent citizen from the town/city, nominated by the District Collector

* An eminent citizen from the town/city, nominated by the Chairperson, Panchayat samiti, Chief Executive Officer, Nagar Nigam(if applicable)



* Associate members/Institutional members:Same as for District Hospital Society

* PRI representative

Frequency of meetings and regular agenda:Same as for district hospital society”

Governing Body consisting of aforesaid persons whereas the petitioner has not approached the aforesaid persons, so also, District Collector in terms of 5.15 annual report so as to find out whether scheme has been given effect in terms of the scheme by the concerned officials or not? Unnecessarily State has been arrayed as party.

At this stage, learned counsel for the petitioner seeks permission to withdraw this petition. Accordingly, present petition stands dismissed as withdrawn.

Reserving liberty to the petitioner to approach appropriate forum in accordance with law.

(P. B. Bajanthri, J)

(Purnendu Singh, J)

shoaib/-

AFR/NAFR	
CAV DATE	
Uploading Date	19.11.2022.
Transmission Date	

