

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10942 of 2022

Unicare India Limited bearing CIN No. U74899DL1980PLC010642 having Registered Address at C- 677, New Friends Colony, New Delhi - 110025, India. Through its Authorized Signatory Amin Ul Aziz, aged about 33 years, Male, resident of C/O Abdul Mateen, G-1203, 12th Floor, Tower G Prateek Stylome, Sector 45, Noida, Gautam Buddha Nagar, Uttar Pradesh, 201301.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Govt. of Bihar, Patna.
2. The State Health Society, Bihar, through its Executive Director, having office at Pariwar Kalyan Bhawan, Skeikhpura, Patna, Bihar - 800014.
3. The Executive Director, the State Health Society, Bihar, Pariwar Kalyan Bhawan, Sheikhpora, Patna, Bihar - 800014.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mrigank Mauli, Sr. Advocate Mr. Rajesh Ranjan, Advocate Ms. Maria Nazir, Advocate Mr. Dipak Kumar, Advocate
For the Respondent/s	:	Mr.S. D. Yadav (AAG- 9) Mr. Kishore Kumar Sinha, Advocate Mr. Shashi Shekhar, Advocate

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

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 12-08-2022

Heard learned counsel for the parties.

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



a. For issuance of an Order, Direction or Writ in the nature of Certiorari against the Respondent quashing the Show-Cause Notice dated 19.07.2022 bearing Number 'SHSB/PM/595/2022/2531' issued by the Respondent since the same is *mala fide*, without due application of mind.

b. For issuance of an Order, Direction or Writ in the nature of Mandamus directing the Respondent not to harass the Petitioner by way of ill-founded and improper proceedings that pertain to a rate contract which has expired way back in 2012.

Shri Kishore Kumar Sinha, who appears on behalf of Respondent Nos. 2 and 3 states that the appropriate authority shall take a decision on the notice to show-cause issued to the petitioner dated 19th of July, 2022, only after accounting for not only the reply already filed dated 21st of July, 2022 (Annexure-2) but also any other material which the petitioner shall place on record within one week. He further states that the decision shall be taken strictly in accordance with law, accounting for the entire material as also the principle of law, binding in nature, laid down by this Court as also other Courts of the land.

Statement accepted and taken on record.

In this view of the matter, we dispose of the present petition reserving liberty to the petitioner to approach the Court



should the need so arise after the order is passed by the appropriate authority.

Needless to add, we have left all questions of fact and law open to be decided by the appropriate authority.

We only hope and expect the authority to pass a reasoned order, copy whereof shall be supplied to the petitioner.

Needful be positively done within a period of four weeks from today.

The instant petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	16.08.2022
Transmission Date	

