

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20085 of 2021

Wasim Zaved Son of Jafirul Hussain Resident of Village and Post- Pali,
Police Station- Ghanshyampur, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Health, Govt. of Bihar, Old Secretariat, Patna.
3. The Secretary, Department of Health, Govt of Bihar, Vikas Bhawan, Patna.
4. The Special Secretary, Department of Health, Government of Bihar, Patna.
5. The Executive Director, State Health Society, Government of Bihar, Patna.
6. The Under Secretary, Department of Health, Government of Bihar, Patna.
7. The District Magistrate, Darbhanga.
8. The Civil Surgeon-cum-Chief Medical Officer, District Darbhanga.
9. Dr. Ashok Kumar In-charge Medical Officer-cum-Drawing and Disbursing Officer, Community Health Centre, Ghanshyampur, District- Darbhanga.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(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.)

2 07-01-2022 Petitioner has prayed for the following relief(s);

“i) To issue an appropriate writ, order or direction to quashed the order dated 29.09.2021 contain in Memo No. 2350 issued by the Respondent No. 8, whereby and under the Respondent No. 8 as in-charge Medical, Drawing and Disbursing Officer of Community



Health Centre, Ghanshyampur, in which Respondent No. 9 is too junior to the other doctors have posted at the said centre.

ii) To issue an appropriate writ, order or direction to direct the Respondent Authority to immediate transfer the Respondent No. 9 from Community Health Centre, Ghanshyampur, whereby and where under the Respondent No. 9 not provided medical facility in the locality of Ghanshyampur.

iii) To issue an appropriate writ, order or direction in the nature of mandamus commanding the Respondents to appoint a senior and suitable doctor at Community Health Centre, Ghanshyampur because Respondent No. 9 drawing salary and other financial benefits causing great loss to the public ex-chequer.

(iv) To grant any other relief or reliefs for which the Petitioner may be found entitled to in the facts and circumstances of the case.”

Learned counsel for the petitioner, without pressing the averments made in the present petition, under instruction, states that petitioner would be content if petitioner is permitted to approach respondent No. 8, namely The Civil Surgeon-cum-Chief Medical Officer, District Darbhanga highlighting the grievances of the general public with respect to Public Health Centre, Ghanshyampur, Darbhanga.

Petitioner is permitted to withdraw the petition with liberty to approach respondent No. 8, namely The Civil Surgeon-cum-Chief Medical Officer, District Darbhanga, in terms of the limited prayer of highlighting the public cause made (supra).



We only hope that as and when such request is received, the Civil Surgeon shall take remedial measures within a period of three months.

We have not expressed any opinion on merits. All issues are left open;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS

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