

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1357 of 2020

1. Kayamuddin Ansari S/o Rahmat Ali Ansari, resident of Mohalla-Chowkhandi Latif Market, P.O. Sasaram, P.S. Sasaram, District- Rohtas.
2. Rajesh Kumar Sinha, S/o Shri Krishna Kant Prasad Sinha, resident of Flat no. 103, Moti Apartment, Ramjaipal, Rajmahal Road, P.O. Dr. B.R. Ambedkar Dental College, P.S. Rupaspur Danapur, District- Patna.
3. Smt. Nishi Latore Topno, D/o M.P. Topno, resident of Village Diankel, P.O. and P.S. Torpa, District- Kunti, Jharkhand at present resident of Mohalla-Sheopuri, P.O. and P.S. Buxar, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Health Department, Govt. of Bihar, Patna.
3. The Joint Secretary, Health Department, Govt. of Bihar, Patna.
4. The Incharge, State Drug Controller, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Harshwardhan Sahay, Advocate
For the Respondent/s	:	Mr.Birju Prasad (GP-13)
		Mr. Ajit Anand (AC to GP-13)

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

Date : 20-09-2022

Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s):-

“i. For quashing part of letter no.629 dated 23.7.2018 issued by In charge State Drug Controller whereby and where under all Drug Inspectors of Bihar are directed to conduct minimum 20 inspection of Drug shops in a month.

ii. For quashing memo no.847(15) dated

18.09.2018 issued by Joint Secretary , Health Department, Govt. of Bihar Patna whereby and where under he has directed all Drug Inspector of Bihar to conduct minimum 20 inspections of Drug shops.

iii. For any other order/orders as deem fit and proper.”

After the matter was heard for some time, finding the Bench not to be in favour with the submissions made across the Bar, learned counsel for the petitioner, under instructions, seeks permission to withdraw the present petition reserving liberty to approach **Respondent No. 4, namely, The Incharge, State Drug Controller, Bihar, Patna** for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioners, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four 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) Petitioners 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 four 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) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(e) Equally, liberty is reserved to the petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law;

(f) We are hopeful that as and when petitioners take 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;

(g) Liberty reserved to the petitioners to approach the appropriate forum, if the need so arises subsequently on the same and subsequent cause of action;

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

(i) The proceedings, 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)

veena/-Ishika

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	