

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.6741 of 2023**

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Prem Kumar, S/o Shree Rama Shankar Sharma, Resident of Village- Naduna,  
P.S.- Bhagwanganj, Masaurhi, District- Patna, at present Resident of Mohalla-  
Tilak Nagar, Rukanpura, Bailey Road, P.S.- Rupaspur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health,  
Govt. of Bihar, Patna.
2. The Joint Secretary, Department of Health, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Health, Govt. of Bihar, Patna.
4. The Regional Additional Director, Health Services, Magadh Division, Gaya.
5. The Collector, Nawada.
6. The Civil Surgeon-cum-Chief Medical Officer, Nawada.
7. The In-Charge Medical Officer, Roh, Nawada.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Jitender Kumar, Advocate

For the Respondent/s : Mr. P.K. Shahi, A.G.

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE PARTHA SARTHY**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)**

**Date : 14-07-2023**

Heard learned counsel for the parties.

2. The petitioner, who claims himself to be a public spirited person, has filed the instant case in the nature of a Public Interest Litigation praying for a direction to the



respondents to ensure proper functioning of Primary Health Centre, Roh in District-Nawada. He further states that proper medical treatment is not being provided to the local people especially the weaker and marginal section due to mismanagement of affairs and arrogancy of the In-charge Medical Officer, who is guilty of misconduct, mismanagement and arrogancy.

3. Having heard learned counsel for the parties and having perused the contents of the writ application it transpires that the petitioner has made bald and unsubstantiated allegations against the In-charge Medical Officer of his being negligent in his duties, of financial irregularities, creating lawlessneses in hospital work etc.

4. Although direct allegations have been made against the In-charge Medical Officer in person namely Dr. Ram Pravesh Prasad, this Court finds that the said officer has not been made a party respondent by his name. Further, the allegations levelled by the petitioner are unsubstantiated. In any case of the matter, the case is more in the nature of a service matter and it is settled law that Public Interest Litigation is not maintainable in service matters.

5. For the reasons stated above, the Court finds no



merit in the instant Public Interest Litigation and the same is dismissed.

**(K. Vinod Chandran, CJ)**

**(Partha Sarthy, J)**

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| CAV DATE          | N/A        |
| Uploading Date    | 26.07.2023 |
| Transmission Date | N/A        |

