

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9174 of 2023

Nayadu Devi, Secretary, Gramin Mahila Morcha, Wife of Arvind Kumar Singh, Resident of Village- Karneji, P.S. Lalganj, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. Principal Secretary, Revenue and Land Department, Govt. of Bihar, Patna.
3. Director, Department of Health, Govt. of Bihar, Patna.
4. District Magistrate, Vaishali, at Hajipur
5. Superintendent of Police, Vaishali at Hajipur
6. Civil Surgeon-Cum-Member Secretary, District Health Samittee, Vaishali at Hajipur
7. Circle Officer, Paterhi Belsar, District-Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. Raghwanand, GA-11

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

Date : 05-07-2023

1. No one appears on behalf of the petitioner. Heard learned counsel for the respondents.

2. The petitioner has filed the instant case in the nature of a Public Interest Litigation for the following relief(s) :-

“1. (i) For a direction to the Chief Secretary, Govt. of Bihar or the Director, Department of Health or to be D.M. Vaishali or Civil Surgeon Vaishali to open the Primary Health Sub-Centre on the plot no. 5883, Khata no. 925 (K),



Mauza Karneji which was earlier selected in July, 2022 for opening of primary Health Sub-Centre.

(ii) For a direction to restrain the respondents for replacing it on the plot no. 5836, which is a Religious Place for Hindu and Muslims, famous as ' Oliya -Baba Sthan' and any Changing in the present status it will be the cause of Public riots in the village. So it must be restrain immediately.

(iii) To set aside the letter no. DHS/1621/22-23 dated 24.2.2023 which respondents are trying to open the Hospital, which is Oliya -Baba Sthan.

(iv) For any other relief/reliefs, order /orders, direction/diretions for which the petitioner is entitled in the law as well as in the facts of case, relates as Public Interest Petition."

3. Having gone through the contents of the writ application and having heard learned counsel for the respondents, it transpires that the petitioner is aggrieved by the decision of the respondent authorities of opening a Primary Health Sub-Centre at a particular place. It is the petitioner's case that on an earlier occasion in July, 2022, it was decided to open the Public Health Sub-Centre on Plot no. 5883, but as per the petitioner's case due to interference of some persons the same was shifted to Plot no. 5836, which is a religious plot.

4. In the opinion of this Court, the question as to whether there is any requirement of opening of a Primary Health



Sub-Centre or not and if there is requirement, the place where it should be opened is purely a policy decision which is to be decided by the respondent-State. The Court in exercise of its writ jurisdiction cannot give direction to the respondents to open the Primary Health Sub-Centre on a particular plot of land and not to open the same, as decided by the respondents.

5. In view of the above, the Public Interest Litigation would not be maintainable.

6. The application is dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	N/A
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Transmission Date	N/A

