

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1708 of 2018

1. M/s Scott Edil Pharmacia Ltd. having its registered office at 54-55, Industrial Area-II, Chandigarh – 160002 through its authorized representative, Mr. Rajeev Kumar Shukla @ Rajeev Shukla, S/o Late Nirmal Kumar Shukla @ Nirmal Shukla R/o At and P.O. - Wari, P.S. - Singhiya, District - Samastipur, having its registered office at Moh. - Mohanpur, near Devi Asthan Mandir, Punaichak, P.S. - Shastri Nagar, District - Patna.
2. Rajeev Kumar Shukla @ Rajeev Shukla S/o Late Nirmal Kumar Shukla @ Nirmal Shukla R/o At and P.O. - Wari, P.S. - Singhiya, District - Samastipur, having its registered office at Moh. - Mohanpur, near Devi Asthan Mandir, Punaichak, P.S. - Shastri Nagar, District - Patna. Authorized representative M/s Scott - Edil Pharmacia Ltd. having its registered office at 54-55 Industrial Area - II, Chandigarh - 160002.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Executive Director, State Health Society, Pariwar Kalyan Bhawan, Sheikhpura, Patna.
4. The Superintendent, Patna Medical College and Hospital, Patna.
5. The Superintendent, Darbhanga Medical College and Hospital, Darbhanga.
6. The Superintendent, Jawahar Lal Nehru Medical College and Hospital, Bhagalpur.
7. The Superintendent, Sri Krishna Medical College and Hospital, Muzaffarpur.
8. The Superintendent, A.N.M. Medical College and Hospital, Gaya.
9. The Civil Surgeon-cum-Chief Medical Officer-cum-Secretary, District Health Society, Gaya.
10. The Civil Surgeon-cum-Chief Medical Officer-cum-Secretary, District Health Society, Muzaffarpur.
11. The Civil Surgeon-cum-Chief Medical Officer-cum-Secretary, District Health Society, Darbhanga.
12. The Civil Surgeon-cum-Chief Medical Officer-cum-Secretary, District Health Society, Sitamarhi.
13. The Civil Surgeon-cum-Chief Medical Officer-cum-Secretary, District Health Society, Motihari.
14. The Civil Surgeon-cum-Chief Medical Officer-cum-Secretary, District Health Society, Bettiah.
15. The Civil Surgeon-cum-Chief Medical Officer-cum-Secretary, District Health Society, Hajipur.
16. The Civil Surgeon-cum-Chief Medical Officer-cum-Secretary, District Health Society, Chapra.



17. The Civil Surgeon-cum-Chief Medical Officer-cum-Secretary, District Health Society, Siwan.
18. The Civil Surgeon-cum-Chief Medical Officer-cum-Secretary, District Health Society, Gopalganj.
19. The Civil Surgeon-cum-Chief Medical Officer-cum-Secretary, District Health Society, Bhojpur.
20. The Civil Surgeon-cum-Chief Medical Officer-cum-Secretary, District Health Society, Buxar.
21. The Civil Surgeon-cum-Chief Medical Officer-cum-Secretary, District Health Society, Bhabua.
22. The Civil Surgeon-cum-Chief Medical Officer-cum-Secretary, District Health Society, Sasaram.
23. The Civil Surgeon-cum-Chief Medical Officer-cum-Secretary, District Health Society, Aurangabad.
24. The Civil Surgeon-cum-Chief Medical Officer-cum-Secretary, District Health Society, Nawada.
25. The Civil Surgeon-cum-Chief Medical Officer-cum-Secretary, District Health Society, Munger.
26. The Civil Surgeon-cum-Chief Medical Officer-cum-Secretary, District Health Society, Saharsa.
27. The Civil Surgeon-cum-Chief Medical Officer-cum-Secretary, District Health Society, Madhepura.
28. The Civil Surgeon-cum-Chief Medical Officer-cum-Secretary, District Health Society, Katihar.
29. The Civil Surgeon-cum-Chief Medical Officer-cum-Secretary, District Health Society, Araria.
30. The Civil Surgeon-cum-Chief Medical Officer-cum-Secretary, District Health Society, Purnia.
31. The Civil Surgeon-cum-Chief Medical Officer-cum-Secretary, District Health Society, Khagaria.
32. The Civil Surgeon-cum-Chief Medical Officer-cum-Secretary, District Health Society, Samastipur.
33. The Civil Surgeon-cum-Chief Medical Officer-cum-Secretary, District Health Society, Madhubani.
34. The Civil Surgeon-cum-Chief Medical Officer-cum-Secretary, District Health Society, Banka.
35. The Civil Surgeon-cum-Chief Medical Officer-cum-Secretary, District Health Society, Sheohar.
36. The Civil Surgeon-cum-Chief Medical Officer-cum-Secretary, District Health Society, Jehanabad.

... .. Respondent/s

Appearance :



For the Petitioner/s : Mr. Rajeev Kumar Singh, Advocate
For the Respondent/s : Mr. Aditya Nath Jha, Advocate
Mr. Binod Kr. Yadav, SC-18

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

6 24-04-2023 In the instant petition, petitioners have prayed for the following relief(s):-

“1. (i) To direct the Respondent No. - 4 to 36 to furnish/ provide the test report of Amoxycillin-Cap, Ampicillin & Cloxacilin Inj, Cefixime Tab, Cefixime Tab, Certazidime Inj, Gentamycin - Inj, Gentamycin - Inj. Hydrocortisone Sodium Succinate, Peperacilin + Tazobactam Inj, which have been supplied to them pursuant to the rate contract dated 08.10.2012 for supply of Drug (Round - IX) in 38 districts of Bihar, awarded to the petitioner's company and accordingly receive the amount for test report, which is 2% of total bill amount raised by the petitioners against supply of above said Drug from the petitioners.

(ii) To restrain the respondents from taking any adverse action against petitioner's company on this account as not providing the test report is fault on the part of respondents and not of petitioners. And for any other appropriate relief(s) to the petitioner as per the facts and circumstances of the case.”

2. There is no interim order so also there is inaction on the part of the concerned respondent. Therefore, concerned respondent is hereby directed to pass a suitable order as to whether the petitioner is entitled to relief sought in the present petition or not, if he is entitled, the same shall be provided within a period of one month from the date of receipt of this



order, if he is otherwise not eligible, in that regard, a detailed speaking order shall be passed and communicated to the petitioner.

3. The above exercise shall be completed within a period of two months from the date of receipt of this order.

4. Accordingly, writ petition stands disposed of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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