

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2152 of 2019

In
Letters Patent Appeal No.833 of 2018

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Ms. Alok Surgical Hospital @ Surya Clinic through its Proprietor Mrs. Anupam Singh, W/o Dr. Mithilesh Kumar Singh situated at Mahua, P.S. Mahua, District-Vaishali at Hajipur

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Mr. Sanjay Kumar, Health and Family Welfare, Government of Bihar, Patna
2. District Magistrate cum Chairman District Health Society, Vaishali at Hajipur
3. Civil Surgeon cum Member Secretary District Health Society, Vaishali at Hajipur
4. Additional Chief Medical Officer cum Member Secretary Quality Assurance Committee, Vaishali at Hajipur
5. Dr. Smt. Malti Sinah Medical Officer, Sadar Hospital, Hajipur cum Member Quality Assurance Committee, Vaishali at Hajipur
6. Dr. U.P. Verma Medical Officer, Sadar Hospital, Hajipur cum Member Quality Assurance Committee, Vaishali at Hajipur
7. Dr. Nagendra Prasad Primary Medical Officer cum-Member Quality Assurance Committee, Vaishali at Hajipur.
8. The State Health Society Bihar through Executive Director, Mr. Lokesh Kumar singh, Parivar Kalyan Bhagwan, Sheikhpura, Patna
9. Smt. Rituraj N.G.O. Member Quality Assurance Committee, Vaishali at Hajipur
10. Smt. Sandhya Gautam Member Quality Assurance Committee, Vaishali at Hajipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Anurag Saurav, Advocate Mr.Abhinav Alok, Advocate Ms. Priyajeet Pandey, Advocate
For the Opposite Party/s :		Mr.Ajay Behari Sinha (Ga8) Mr.Suryakant Kumar, AC to GA-8
For Respondent No.8	:	Mr. K.K. Sinha, Advocate

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



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

11 05-10-2023 Pursuant to our previous order dated 21.09.2023, Yashpal Meena, District Magistrate, Vaishali is present before this Court.

2. The present M.J.C. is filed for non-compliance of order dated 25.02.2019 passed in LPA No. 833 of 2018.

3. Despite giving interim direction from time to time in the present case, the concerned District Magistrate has passed an order in respect of petitioner's claim vide order dated 26.09.2023. The respondents have taken four long years in complying the order of this Court dated 25.02.2019. In fact, on the last occasion the following order was passed:-

“Perusal of the show-cause and order dated 04.08.2023 vide Annexure-C, it is not in compliance to the order dated 25.02.2019. Therefore, District Magistrate, Vaishali shall be present in the Court along with complete records. He has to apprise this Court why there is no speaking order in respect of the petitioner's claim for these many years with reference to the order dated 25.02.2019 passed in L.P.A. No. 833 of 2018. He has to apprise this Court who are all responsible for delay in making certain payments also.

2. Registry is hereby directed to list identical matters MJC No. 2147 of 2019, MJC No. 2148 of 2019, MJC No. 2152 of 2019 & MJC No. 2146 of 2019 on the next date of hearing.

3. Relist this matter on 05.10.2023 at 2:15 p.m.

4. At this stage, Mr. Yashpal Meena, District Magistrate, Vaishali appear in the Court. He is stated to have reported as a District Magistrate, Vaishali in the month of May, 2022 and there is



inaction on part of his predecessor. He is hereby directed to file his personal affidavit insofar as delay part is concerned including inaction on the part of his predecessor from the month of March, 2019 till May, 2022. Thereafter, from May, 2022 to till September, 2023 giving the dates and events like movement of the file, etc. If these information are not furnished in the form of personal affidavit, adverse action would be taken against District Magistrate, Vaishali.”

4. There is no sufficient explanation of the District Magistrate in his personal affidavit to the extent that what are the actions taken by the predecessor, he has simply quoted who are all working at that relevant point of time, therefore, one has to draw inference that subject matter of file was kept in the cold-storage. The file was opened in the year 2023 as and when this Court issued the direction. No doubt, in the year 2019, some order has been passed, however, it does not deal with each and every claim of the petitioner, therefore, one has to draw inference that there is non-compliance of the orders of this Court read with the petitioner's grievance. This is not an isolated case, but we have come across a number of such cases, there is a delay in implementation of orders of this Court for years together. Furthermore, there is no explanation or satisfactory explanation so as to overcome the delay from the year 2019 to 26.09.2023 insofar as fully complying the orders of this Court. Merely complying to a certain extent in the year 2019 does not



amount to fully complying the orders of this Court. Therefore, it is a clear case of initiation of contempt proceedings. However, having regard to the fact that respondent-District Magistrate has passed a specific order on 26.09.2023 with reference to the claim made by the petitioner to the extent that which are admissible and not admissible.

5. Taking note of the aforementioned development, we propose to impose cost of Rs. 10,000/-(Ten Thousand) on the respondents. Respondents are hereby directed to pay the cost to the High Court Legal Services Authority within a period of eight weeks from today.

6. Accordingly, the present M.J.C. (contempt petition) stands dropped, reserving liberty to the petitioner to agitate insofar as inadmissible claim as mentioned in order dated 26.09.2023 is concerned, in accordance with law.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Himanshu/-
Ashish/-

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