

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11601 of 2023

=====

Narendra Kumar Singh @ Nagendra Kumar Singh, S/o Rajaram Singh
Resident of Village- Belsara, Post- Belsara, P.S.- Deo Bhawanipur, Dist.-
Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Health Department, Bihar, Patna.
2. The Additional Secretary, Health Department, Bihar, Patna.
3. Sri Sudhir Kumar, the Joint Secretary, (BMSICL, Health Department) Bihar Medical Service Infrastructure Construction Ltd., Government of Bihar, Patna.
4. Sri Dinesh Kumar, I.A.S. Managing Director, Director, BMSICL, Health Bhawan, Shekhpura More, Shastrinagar, Patna.
5. The Deputy Managing Director, BMSICL, Patna.
6. The Collector-cum- Chairman, District Health Samitee, Aurangabad.
7. Sri Ravi Bhushan Srivastawa, the Civil Surgeon- cum- Member Secretary, District Health Samitee, Aurangabad.
8. The Additional Chief Medical Officer- cum- Public Information Officer, Health Department, Aurangabad.
9. The Sub Divisional Officer, Aurangabad.
10. The Block Medical Officer, Deo, Aurangabad.
11. Sri Samid Ansari, Incharge Medical Officer, Primary Health Centre, Block Deo, Aurangabad.
12. The Circle Officer, Block Deo, Aurangabad.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Mallick, Advocate
For the Respondent/s : Mr. S.D. Yadav (AAG-9)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-08-2023

The petitioner, who belongs to Village Belsara, is
concerned with the Health Centre for primary treatment and its



shifting to a different locality. The petitioner seeks quashing of an order dated 28.02.2023 issued by the 3rd respondent allowing the building of the Health and Wellness Centre to be constructed at Anandpura under Block-Deo in District- Aurangabad in place of Belsara Village. The petitioner also seeks quashing of the order dated 24.02.2023 issued by the 4th respondent sanctioning the construction and also prays for a direction to the respondent nos.4 and 6 to stop the construction of the building. The insistence of the petitioner is that the Health and Wellness Centre should be constructed at Belsara-Village itself. The learned counsel also submits that the existing Centre is now being shifted, causing undue hardship to the residents of the locality.

2. The learned Government Advocate, on instructions, submits that the Health Centre was being run in a rented building and now it is intended to be shifted to a newly constructed building on Government land; that too only 900 meters away.

3. We are of the opinion that construction of a building and the establishment of a Health Centre are all within the policy decision of the Government. The Government through the appropriate Department is the best judge to decide



on the location in which a Health Centre is to be established or shifted. The shifting may cause hardship to the persons of the immediate vicinity in which, earlier, the Health Centre was located. But none can insist that the Health Centre should be at their door steps itself. A Health Centre established in a Village would be used by many persons, coming from near and far. We also take note of the submission of the learned Government Advocate that the shifting is only to a location 900 metres away from the present location.

4. We see absolutely no reason to entertain the writ petition and the same stands dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	22.08.2023
Transmission Date	

