

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15038 of 2022

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Bachchan Prasad Singh Son of Late Udeswar Prasad Singh, Resident of
Village Lakaraha, P.S. Sono, District- Jamui, Bihar, Pin code- 811314

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Vikash Bhawan, Baily Road, Patna- 800015
2. The Secretary, Building Construction Department, Govt. of Bihar, 1st Floor, Vikash Bhawan, Baily Road, Patna- 800015
3. The Engineer-in-Chief, Building Construction Department, Govt. of Bihar.
4. The Chief Engineer, Building Construction Department, Govt. of Bihar,
5. Assistant Engineer, Bhagalpur Circle, South Bihar, Building Construction Department, Govt. of Bihar,
6. The Principal Secretary, Health Department Govt of Bihar, 1st Floor, Vikash Bhawan, Baily Road, Patna- 800015
7. The Additional Commissioner, Health Department Govt of Bihar, 1st Floor, Vikash Bhawan, Baily Road, Patna- 800015
8. The Additional Secretary, Health Department Govt of Bihar, 1st Floor, Vikash Bhawan, Baily Road, Patna- 800015
9. The Joint Secretary, Health Department Govt of Bihar, 1st Floor, Vikash Bhawan, Baily Road, Patna- 800015
10. The Deputy Secretary, Health Department Govt of Bihar, 1st Floor, Vikash Bhawan, Baily Road, Patna- 800015
11. The Under Secretary, Health Department Govt of Bihar, 1st Floor, Vikash Bhawan, Baily Road, Patna- 800015
12. Executive Director, Bihar Health Society, Patna.
13. District Health Society, Jamui through member Secretary
14. The Chief Medical Officer Cum Civil Surgeon, Sadar Hospital, Jamui, Bihar.
15. The Additional Chief Medical Officer, Sadar Hospital, Jamui, Bihar.
16. Medical Officer Incharge, Primary Health Centre, Sono, Block Sono, Jamui, Bihar.
17. Medical Officer in-charge, Additiional Primary Health Centre, Lakaraha, Block Sono, Jamui, Bihar.
18. The Deputy District Commissioner, Jamui, Bihar.
19. The Deputy District Commissioner, Jamui, Bihar.
20. The Block Development Officer, Sono, Jamui.

... .. Respondent/s

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Appearance :



For the Petitioner/s : Mr.Prem Ranjan Raj, Advocate
For the Resp no. 12 : Mr. K.K. Sinha, Advocate
Mr. Shashi Shekhar, Advocate
For the Respondent/s : Mr.Amit Prakash, GA 11

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

Date : 11-01-2023

Heard learned counsel for the parties.

The instant writ application has been filed for the following reliefs :

“(i) For the issuance of writ in the nature of Mandamus against the Respondent Authorities to insure the Additional Primary Health Centre at Lakraha, Block- Sono, District-Jamui being functional by providing all types of updated types of investigating equipment for medical diagnosis of the human body and life supporting system at all the 6 sanction beds of the hospital including facility for delivery of baby and maternity ward, as well as insure the service of already sanctioned ambulance facility to the said hospital, along with the required medical and non- medical staff for the hospital.

(ii) For a direction to provide the digital attendance system for the staff of the concerned hospital

(iii) For a direction to provide all assistance to the hospital for fighting with the pandemic crisis in the locality of the hospital.

(iv) For any other appropriate writ/ writs, order/orders, direction directions with regard to any other relief/reliefs for which the petitioners are entitled to in



the fact and circumstances of this case.”

It is the case of the petitioner that after proper approval and sanction of the building for a six bedded Additional Primary Health Centre, Lakaraha, Block Sono, District Jamui, tenders were invited. Pursuant to the same a building for the Additional Additional Primary Health Centre was finally constructed in the year 2007-08 but the Additional Primary Health Centre has not been functional in the same.

Pursuant to the order of this Court a counter affidavit has been filed on behalf of the respondent no. 14 the Chief Medical Officer Cum Civil Surgeon, Sadar Hospital, Jamui, Bihar. It has been stated in the counter affidavit as follows :-

“6. That Incharge Medical Officer Samudaik Health Centre, Sono in compliance to the letter no. 1271 dated 09.11.2022 sent a letter to Dr. Sujit Kumar Chikitsa Officer, Dr. Vikrant Kumar, Medical Officer, Primary Health Centre, Sono and Dr. Arvind Kumar Ayush, Medical Officer, Additional Health Centre Lakraha, Sono and sought an update report regarding status of Lakraha Additional Primary health Centere in respect of building, men I strength, (Medical officer, Para Medical Staff / Number of bed, Number of Instrument with photo within three days.

Photocopy of NHM/322 dated 10.11.2022 is being annexed herewith and marked as Annexure -B to this Counter Affidavit

7. That with the joint signature of Dr. Arvind Kumar Gupta, Sujit Kumar a report was submitted on 13.11.2022 in which a pitiable condition to hospital have been shown. It is further stated that due to non- handing over new building since 2010 Dr. Arvind kumar Gupta, Ayush, Medical Officer, his medical work being carried out from Samudaik Bhawan which is 500 meter away from said APCH. A list of materials was also prepared.



Photocopy of report is dated being 13.11.2022 annexed herewith and marked as Annexure - C to this Counter Affidavit.

8 That accordingly, Incharge Medical officer, Samudaik Health Centre, Sono submitted a report to the Civil Surgeon cum Member Secretary, District Health Society, Jamui in which dilapidated condition of building was depicted shown and further, it has been submitted that due to non-handing over building since 2010. Dr. Arvind Kumar Gupta is giving service in the Samudaik Bhawan, which is 500 meter away.

Photocopy of letter no. NHM327 dated 17.11.2022 is being annexed herewith and marked as Annexure -D to this Counter Affidavit.

9. That on the point of electric supply and ambulance facility a report has also been sought by the Civil Surgeon cum Chief Medical Officer Medical Officer, from the Primary Sono vide letter no. Health Centre, 2258 dated 31.12.2022.

Photocopy of letter no. 2258 dated 31.12.2022 is being annexed herewith and marked as Annexure – 10 E to this Counter Affidavit.

10. That the answering respondent has sent a letter V.M.S.I.C.L. Engineer, to the Senior Manager, Executive Bihar, Rural Patna, Works Department, Circle Officer, Jamui Jhajha, Block Development officer, Sono to handover the said building, which was built in the year of 2007 in the name of Sono Additional Health Centre, Lakraha vide letter no. 2257 dated 31.12.2022.

Photocopy of letter no. 2257 dated 31.12.2022 is 11 being annexed herewith and marked as Annexure-F to Affidavit.

11. That Incharge Medical officer, Samudaik Health Centre, Sono in compliance of the letter no. 2258 dated 31.12.2022 submitted a report vide letter no. 02 dated 03.01.2023 Connection has been place in the name of Additional Primary Health Centre Lakraha though A.P.C.H. Lakraha is running at another place (Samudaik Bhawan). It is further stated that no ambulance is available at A.P.H.C., Lakhara and no ambulance and no ambulance allotted for A.P.H.C., Lakraha, which is being used at Samudaik Bhawan, Sono.

Photocopy of letter no. 02 dated 03.01.2022 is being annexed herewith and marked as Annexure G to this Counter at Affidavit.”



In view of the case of the petitioner and the contentions of the respondents in the counter affidavit, the fact not in dispute is that the building in question was constructed for opening the Additional Primary Health Centre, Lakaraha but has not been made functional for no good reason.

As such, the writ application is disposed of with the direction to the respondents to take steps for making the Additional Primary Health Centre, Lakaraha functional in the building constructed for the said purpose within a period of three months.

Disposed.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

