

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2912 of 2024

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Md Abul Hasan Son of Haji Sk. Mohiuddin, Resident of Ishrat Manzil,
Mohalla - Bagh Kalu Khan, Police Station - Khajekalan, District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar Through the Principal Secretary, Deptt of Health and Family Welfare, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
3. The Divisional Commissioner, Purnea Division, Purnea.
4. The Additional Collector, Purnea.
5. The Sub Divisional Public Grievance Redressal Officer, Barsoi, Katihar.
6. The Civil Surgeon - cum - Chief Medical Officer, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajnish Kumar Choubey, Advocate Mr. Raj Kishore Singh, Advocate
For the Respondent/s	:	Mr.Vikas Kumar, AC to AG

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

Date : 18-07-2024

The petitioner was concerned with the working of the Primary Health Centre at Ajharail (Balrampur). It was the contention that there was no Medical or Para-medical staff available so as to provide the people of the locality with proper medical care.

2. A counter affidavit has been filed by the respondents, which indicates the sanction of the following



posts:-

“(i) General Medical Officers	-2
(ii) Ayush Doctor	-1
(iii) Pharmacist	-1
(iv) Laboratory Technician	-1
(v) ANM	-2
(vi) Clerk	-1
(vii) Compounder	-1
(ix) Parichari	-1

3. It is admitted in the counter affidavit that but for a General Medical Officer, there was nobody working in the Primary Health Centre at the time when the writ petition was filed. Two ANMs who were working, also were relieved and transferred to other districts. In any event, as of now, one Medical Officer, one Ayush Medical Officer and a ANM have been deputed to the Additional Primary Health Centre vide the Civil Surgeon Katihar Letter No. 1617 dated 05.07.2024.

4. The learned Counsel for the petitioner submits that as per Annexure-R-6/A series, there were no personnel in the Additional Primary Health Centre and that Annexure-R-6/B shows expenditure of huge amounts.

5. We have to immediately notice that even the counter affidavit admits that but for one General Medical Officer and two ANMs, there was no posting for long in the



Additional Primary Health Centre. The two ANMs who were working, were transferred to other districts. It is hence, due to the writ petition, that deputations were made bringing in more Medical and Para-medical personnel to the Additional Primary Health Centre. The State would endeavour to ensure that the Additional Primary Health Centre is functioning with all the sanctioned vacancies.

6. As far as the expenditure, we do not think the same is beyond the permissible limits, especially since the salary of the personnel also have to be taken into account.

7. In the above circumstances, recording the submission of deputation having been made and also expressing the hope that the Government would continue them till permanent persons are appointed, we dispose of the writ petition.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	19.07.2024
Transmission Date	

