

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5438 of 2023

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Ranjeet Pandit Son of Parshuram Pandit Resident of Village-Kazipur, P.S.-
Desari, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna.
2. Additional Chief Secretary, Health Department, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar with Ms.Ritika Rani, Advocates
For the Respondent/s	:	Mr. P.K. Shahi, AG.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HARISH KUMAR)

Date : 04-03-2024

Heard Mr. Dinu Kumar, learned Advocate for the
petitioner and the learned Advocate General for the State.

2. The petitioner claiming to be a social activist and an
activist under the Right to Information Act, 2005, has invoked the
extraordinary jurisdiction of this Court under Article 226 of the
Constitution of India with the present writ petition for the
following reliefs:

*“i. For commanding State Respondents to provide
appropriate ventilators, I.C.U beds in comparison to
sanction beds in hospital in the state of Bihar in
order to provide better medical facilities to the
people and top-notch medical facilities in the state of
Bihar as per Article 21 read along with Article 42,
47, 38 and 39(E) of the Constitution of India and law*



*laid down by Apex Court in the case of **Rakesh Chandra Narayan Versus State of Bihar** reported in 1996 (8) Scale 3, **State of Jammu and Kashmir Vs. Vichar Kranti International & Anr** reported in (2016) 16 SCC 290 and **Paschim Banga Khet Mazdoor Samity and others Vs. State of West Bengal and Anr**, reported in (1996) 4 SCC 37.*

ii. For commanding the state respondents to ensure construction of 327 building of the Health Centres which are sanctioned in Sadar Hospitals, Community Health Centres, Primary Hospitals as contained in Annexure-7.

iii. For commanding the state respondents to ensure proper medical facilities and appropriate equipment for check up of the patients in order to provide better medical attention considering the state authorities are not serious in providing CT Scan Machines and MRI Machines as per the order passed in CWJC No.1015 of 2015 Nagrik Adhikar Manch through its settler Shiv Prakash Rai Vs. State of Bihar) dated 03/08/2022 and appropriate ambulances for the people of the State of Bihar.

iv. Also for necessary relief/reliefs, order/orders, direction/directions for which the petitioner is entitled in the eye of law as well as on facts of the case.”

3. A counter affidavit has been filed on behalf of the Additional Chief Secretary, Health Department, Government of Bihar highlighting the initiatives that have been taken by the State of Bihar for the amelioration of health care system and to provide better medical facilities to the masses. A detailed data has been provided through a separate paper book and further it has been apprised to this Court regarding operational/functional health programmes/schemes.



4. This Court would only take note of the initiatives which have been taken in the field of infrastructure, which even from the submission of the petitioner is one of the prime need of the hour; the same are enumerated hereinbelow:

“ (i) 21 Sadar hospitals of the state namely Ara, Araria, Vaishali, Aurangabad, Banka, East Champaran, Sitamarhi, Madhubani, Saharsa, Rohtas, Nalanda, Siwan, Gopalganj, Munger, Bhagalpur, Madhepura, Gaya, Begusarai, Muzaffarpur and Samastipur have been selected for upgrading it as a model hospital, out of which construction work is going on at various levels in 19 Sadar hospitals and construction work has been completed at 2 sites.

(ii). Construction of new Medical Colleges and Hospitals is being done in 9 districts of the state namely Purnia, Chhapra, Bettiah, Samastipur, Madhubani, Vaishali, Siwan, Jamui and Sitamarhi. Also, recently new Government Medical College and Hospital has been sanctioned in Bhojpur, Buxar, Begusarai, Munger, Supoul, East Champaran and Gopalganj.

(iii). An additional 1200 bed hospital building is being constructed at the Indira Gandhi Institute of Medical Sciences.

(iv) (a) The Cabinet has approved the project proposal for re-development for 250 admission and 5462 beds for upgrading PMCH, Patna as a world class Hospital, the construction work is being carried out. The target is to complete it by May-2028.

(b) Darbhanga Medical College and Hospital, Darbhanga is to be redeveloped as a hospital for 250



admission and 2500 beds, out of which construction of 400 bedded surgical ward is in the final stage and administrative approval has been given for the construction of a 2100 bedded hospital, the construction work of which will be started soon.

(v). The construction work of 106 bedded Super Specialty Eye Hospital, Rajendra Nagar, Patna has been completed and Lok Nayak Jaiprakash Narayan Hospital under Patna district is being constructed as a 400 bedded Super Specialty Hospital.

(vi). Administrative approval has been given for the construction of 5 health sub-centres and one additional primary health center in each assembly constituency of the State.

(vii). RTPCR Lab is available in all Medical College & Hospitals of Bihar and in all districts of Bihar.

(viii). New building of 16 sub-divisional hospitals of the state namely Raxaul (East Champaran), Sikharna (East Champaran), Viraul (Darbhanga), Goa Gari (Khagaria), Veerapur (Supaul), Triveniganj (Supaul), Marhaura (Saran), Belsand (Sitamarhi), Mahnar (Vaishali), Benipatti (Madhubani), Teghra (Begusarai), Bakhri (Begusarai), Kharagpur (Munger), Danapur (Patna), Paliganj (Patna) and Barh (Patna) are being constructed, out of which 8 projects have been completed and construction work of 8 projects is in progress.

(ix). Construction of 19 mother-child hospitals in the State has also been sanctioned out of which the construction work of 10 projects has completed and the construction work of 9 projects is in progress.

(x). Under the "Seven Nishchay Programme" of the Hon'ble Chief Minister of Bihar, approval for the construction of 54 ANM training institutes and



hostels in the State, 23 GNM training institutes and hostels, 33 para medical training institutes and 16 B.Sc. Nursing colleges and hostels, out of which the construction work of 49 ANM training institutes and hostels has been completed and construction work is going on at 3 sites. Out of 23 GNM training institutes and hostels, construction work of 16 projects has been completed and construction work is in progress at 6 sites and plot is being identified at 1 site (Begusarai). Out of 33 para medical training institutes and hostels, construction work of 24 projects has been completed and construction work is in progress at 8 sites and plot is being identified at 1 site (Begusarai). Out of 16 B.Sc. Nursing Colleges and Hostels, construction work of 5 projects has been completed and construction work of 8 projects is in progress and plots are being identified at 2 sites (Begusarai and Madhubani).”

5. Besides the above initiatives, this Court has also been apprised of the health programmes/schemes as well as the steps being taken to ensure the proper utilization of the equipments and the drugs to cater to the needs of people at large. It has also been informed to this Court that earlier similar writ petition was filed by the *Nagrik Adhikar Manch* vide CWJC No. 1015 of 2015 which was disposed of by this Court on 03.08.2022 with certain direction to the respondent authorities of the State Government in the matter of installation of CT Scans and MRI machines in all the Government run hospitals.

6. Having gone through the averments made in the counter affidavit and the data showing initiatives taken by the



State Government, this Court does not find any further reason to continue with the present writ petition and hence the same stands closed. Upgrading and modernizing medical facilities are both consistent demands of the public and an absolute necessity. The State Government with the limited resources, we find, is striving to carry out the same. There is no necessity for a constant monitoring of the same by this Court, unless brazen inaction is shown to be the order of the day.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	07.03.2024
Transmission Date	

