

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9123 of 2016

1. Manoj Kumar Mishra son of Late Surendra Mohan Mishra Resident of village - Gogri, P.O. Gogri, District - Khagaria
2. Mantu Sah Son of Gaini Sah Resident of village - Gauchhari Navtolia, P.O. Gauchhari, District - Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Health, Govt. of Bihar, Patna
3. The Bihar Human Right Commission, Patna through its Secretary, Patna, Bihar
4. The Chairman, Bihar Human Right Commission, Patna
5. The Superintendent, Nalanda Medical College and Hospital ADH , Patna
6. The District Magistrate, Khagaria
7. The Civil Surgeon, Khagaria
8. Dr. Deenbandhu Sharma, the then Civil Surgeon, Khagaria at Present posted as Deputy Director, Health Services, ESIS, Bihar, Patna
9. The Medical Council of India through its Secretary, New Delhi- 110077

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Sinha, Advocate
For the State	:	Mr. Sushil Kumar, GP-22
For the NMCH	:	Mr. Kumar Priya Ranjan, Sr. SC
		Mr. Sandeep Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 21-11-2024 The present writ petition has been filed seeking the following reliefs:-

“1. (i) For issuance of writ of Certiorari or any other appropriate writ quashing the order dated 17.11.2014, passed by the Chairman, Bihar Human Rights Commission, Bihar, Patna, vide Annexure-6 whereby, relying on the



report of the Committee constituted by the Health Department, a clean chit has been given to the respondent no.8, without properly appreciating the report of the Committee and further without acting on the report of the District Magistrate, Khagaria (respondent no.6) who has indicted the respondent no.8, finding him guilty of corrupt practices.

(1) For issuance of writ of Certiorari or any other appropriate writ quashing the order dated 22.01.2016 issued under the signature of Under Secretary, Health Department, Bihar, Patna, whereby the Department has exonerated the respondent no. 8 and dropped the charges against respondent no. 8 in a most arbitrary manner, mainly relying on the order (Annexure-6) passed by the respondent no. 4.

(in) For issuance of a writ of Mandamus directing the respondent authorities for taking proper action against the respondent no. 8 who has acted malafidely and in a most grotesque and inhuman manner, seeking bribe from the poor father of deceased (petitioner no. 2) and deliberately not providing Anti Rabies Vaccine (ARV) for the treatment of



eight years old child, who suffered dog bite and ultimately died due to lack of vaccination.

(iv) For issuance of a writ of appropriate nature, directing the state government to adequately compensate the petitioner no. 2 whose school going and only child died due to corrupt and callous attitude of its employee (respondent no. 8).

(v) For directing the respondent authorities to issue speaking order to all the health authorities to immediately provide treatment to persons who suffer dog/monkey bite, as it is a growing menace all over the State and further to ensure availability of ARV in all the hospitals of the State.

(vi) For issuance of a writ of Mandamus directing the Medical Council of India to conduct an inquiry and give definite finding whether the act of respondent no. 8 falls under the definition of misconduct and negligence and to further take appropriate action including cancellation of medical registration of respondent no. 8.”

2. At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to avail such other alternative remedies



as are otherwise available under the law, for redressal of the aforesaid grievances. Liberty, so sought, is granted.

3. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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