

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5434 of 2025

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Ganesh Pandey, Son of Late Satyanarayan Pandey, Resident of Village-
Panchpaika, P.S.- Belsor (Vaishali), District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Vigilance Department, Government of Bihar, Patna.
3. The Principal Secretary, Health Department, Government of Bihar, Patna.
4. The Director-in-Chief, Health Service, Department of Health, Government of Bihar, Patna.
5. The Medical Officer Incharge cum Chairman, Rogi Kalyan Samiti, PHC, Vaishali.
6. The District Magistrate, Vaishali at Hajipur.
7. The Civil Surgeon, Vaishali, Department of Health, Government of Bihar, Patna.
8. The Civil Surgeon-cum-Chief Medical Officer, (District Health (Samiti) Sadar Hospital), Vaishali at Hajipur.
9. The Deputy Superintendent, Sadar Hospital, Vaishali at Hajipur.
10. The Prabhari Chikitsa Padadhikari, Primary Health Centre, Vaishali, P.S.- Vaishali, District- Vaishali.
11. The Superintendent of Vigilance, Bihar, Patna.
12. The Superintendent, Economic Offence Unit, Bihar, Patna.
13. The Commissioner, Income Tax, Bihar, Birchand Patel Path, Patna.
14. The Secretary, Healthline, East of Yogipur, Shiv Mandir, Lohia Nagar, Kankarbagh, Patna-20.
15. The Healthline (Awadhesh Kumar), 502, Gagan Apartment, Exhibition Road, Patna.
16. The Officer-in-Charge, Vaishali, P.S. + District- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shambhu Sharan Singh, Advocate
For the State	:	Mr. P.K. Shahi, Advocate General
		Mr. Vikas Kumar, A.C. to A.G.
For the Income Tax Dept:		Mrs. Archana Sinha, Sr. S.C.
		Ms. Richa Rajeev, Advocate
For the Vigilance Dept.	:	Mr. Anil Singh, Advocate
For the EOU	:	Mr. Vijay Anand, Advocate

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

Date : 25-07-2025

Heard Mr. Shambhu Sharan Singh, learned counsel for the petitioner, Mr. P.K. Shahi, learned Advocate General assisted by Mr. Vikas Kumar, learned counsel for the respondent-State, Mrs. Archana Sinha, learned Senior Standing Counsel for the Income Tax Department and Mr. Vijay Anand, learned counsel for the Economic Offence Unit.

2. The present petition, in the nature of Public Interest Litigation, has been filed by the petitioner under Article 226 of the Constitution of India contending that the petitioner is a social activist and he is competent to file the present petition as Public Interest Litigation and he has no direct or indirect personal interest in the matter. Petitioner has mainly prayed that the respondents be directed to enquire through independent agency in respect of defalcation of public money by Dr. Seema Saroj, Prabhari Chikitsa Padadhikari, Primary Health Centre, Vaishali.

3. Learned counsel for the petitioner has referred to the averments in the memo of petition and thereafter mainly contended that one Dr. Seema Saroj is working as Prabhari



Chikitsa Padadhikari at Primary Health Centre, Vaishali since last 12 years i.e. from the year 2013. It is further contended that said Dr. Seema Saroj, Prabhari Chikitsa Padadhikari, Primary Health Centre, Vaishali has defalcated more than Rs. 10,66,74,394/- by misconducting and mismanaging the payment of outsourcing employees and, therefore, one Rekha Devi sent various type of applications to the concerned respondent authorities for making necessary enquiry against said Dr. Seema Saroj.

4. Learned counsel referred to various representations/ R.T.I. applications sent by Rekha Devi to the various respondent authorities.

5. Learned counsel would further submit that though various applications have been submitted by Rekha Devi, the respondents did not initiate any enquiry against Dr. Seema Saroj and, therefore, the petitioner has filed the present petition.

6. At this stage, learned counsel submits that said Rekha Devi died on 30th of September, 2020 at PMCH, Patna and when she was at her death bed, she had taken assurance from the petitioner to pursue the matter and, therefore, the petitioner has preferred the present petition.

7. Learned counsel, therefore, urged that this Court



may issue appropriate direction to the respondent authorities.

8. On the other hand, learned counsel appearing on behalf of Respondent Nos. 6 to 8 has referred to the averments made in the counter affidavit. It has been pointed out from the annexures annexed with the counter affidavit that one Rekha Devi filed complaint against Dr. Seema Saroj regarding defalcation of public money of Rs. 10,66,74,394/-. The complaint was referred to the departmental office of Public Grievances Redressal, Health Department, and thereafter complaint cases were also registered. It is further submitted that during hearing of the said case, the concerned office issued letter dated 11.11.2019 and 05.12.2019 for enquiry of the said matter by the District Accounts Manager, District Health Society, Vaishali. Thereafter, enquiry has been made and in the said enquiry it has been found that the allegation levelled against Dr. Seema Saroj are false. Accordingly, complaint cases have been rejected vide order dated 05.03.2020 and 31.08.2020.

9. Learned counsel for the respondents thereafter contended that from page 42 of the compilation, it is revealed that Dr. Seema Saroj has filed one case against the present petitioner. It is further submitted that the petitioner has not impleaded Dr. Seema Saroj by her name as party-respondent in



the present case. It is further submitted that though Rekha Devi died in September, 2020, as per averment made by the petitioner in the petition, the petitioner has filed the present petition in the year 2025. Learned counsel for the respondents, therefore, urged that the present petition cannot be termed as Public Interest Litigation and looking to the aforesaid aspects, this Court may not entertain the same.

10. We have considered the submissions canvassed by learned Advocates and also perused materials placed on record. It transpires from the record that as per the averment made by the petitioner in Paragraph-6 of the petition, Rekha Devi had taken assurance from the petitioner to pursue the matter with regard to the alleged defalcation made by Dr. Seema Saroj, when said Rekha Devi was on her death bed. As per the averment made by the petitioner, said Rekha Devi died on 30th of September, 2020, but the present petition has been filed by the petitioner in the year 2025. It would further reveal from the record that the petitioner has not impleaded Dr. Seema Saroj by her name as party-respondent in the present proceedings and the petitioner has impleaded Prabhari Chikitsa Padadhikari, Primary Health Centre, Vaishali, by designation as Respondent No. 10. It would further reveal from the communication addressed by the



petitioner to the concerned authority, copy of which is placed on record at Page-42, that Dr. Seema Saroj has filed a case against the present petitioner.

11. Keeping in view the aforesaid factual aspects of the matter, if the allegation levelled by the petitioner in the present petition is carefully examined, it is revealed that the main allegation of the petitioner is that though Dr. Seema Saroj, who is working since the year 2013 to 2025 as Prabhari Chikitsa Padadhikari, Primary Health Centre, Vaishali, and when she has made defalcation of more than Rs. 10,66,74,394/-, neither any enquiry has been initiated nor any action has been taken against her by the respondent authorities. It is the grievance of the petitioner that though various representations/applications were submitted by Rekha Devi as well as the present petitioner against Dr. Seema Saroj, the same have not been decided by the respondent authorities. Petitioner has, therefore, prayed that appropriate enquiry be conducted against Dr. Seema Saroj.

12. However, after carefully examining the counter affidavit and the documents annexed with the same, it is revealed that on the basis of the application/complaint submitted by Rekha Devi, complaint case was registered and the concerned respondent authority has conducted the enquiry



against Dr. Seema Saroj. Report of the said enquiry is also annexed at Annexure- R8/C, page 60 of the compilation. It is the specific case of the respondent that the allegation levelled against Dr. Seema Saroj are found to be false. It is required to be observed at this stage that the petitioner has not produced the aforesaid document along with the memo of the petition and thereby tried to suppress the relevant aspect/material fact.

13. In view of the aforesaid facts and circumstances of the present case, we are of the view that the concerned respondent authority has already conducted the enquiry pursuant to the application/complaint submitted by Rekha Devi against Dr. Seema Saroj and when the final order has been passed by the competent authority, we are not inclined to entertain the present petition filed in the nature of Public Interest Litigation.

14. Accordingly, the petition stands dismissed.

(Vipul M. Pancholi, CJ)

(Partha Sarthy, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	30.07.2025
Transmission Date	

