

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5784 of 2025

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Ram Naresh Yadav S/o Bindeshwar Yadav, resident of Ward no.06, Village Bahurba, P.O. Dhanouja, P.S. Phulparas, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary-Govt. of Bihar Patna.
2. The Add. Chief Secretary, Health Department, Govt. of Bihar Patna.
3. The Director, Health Services, Govt. of Bihar, Patna.
4. The Collector, Madhubani, District- Madhubani.
5. The Civil Surgeon cum Chief Medical Officer, Madhubani.
6. The Deputy Superintendent Referral Hospital Phulparas, Dt. Madhubani.
7. Dr. Ramnaresh Choudhary, father's name not known, Dy. Superintendent Referral Hospital Phulparas, District Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar, Advocate Mr. Sudhir Kumar Raj, Advocate
For the State	:	Mr. Vikas Kumar, A.C. to A.G.
For the Resp. No. 7	:	Ms. Smriti Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-08-2025

The present petition has been filed under Article 226 of the Constitution of India in which the petitioner has prayed for the following reliefs :-

“1. That this petition by way of Public Interest Litigation is being filed for issuance of writ of appropriate nature, order or direction commanding respondents to hold high level enquiry permitting respondent no.6 (sic) posted at Phulparas for last 25 years in exceptions to its transfer and posting of other the Medical officers of



the district medical cadre or state health cadre services: as his posting and continuance to one place is not only against policies of the state leading to disappointment in other medical officers and improper encouragement to them to choose ways to retain stagnated posting at place of posting, but also lead deteriorations in medical services and facilities to be provided at govt. Hospitals.

The petitioner also prays for direction to the respondent health department to ensure uniform policy of transfer and posting of Medical Officers of Bihar Health Service Cadre as per tenure fixed for the transfer and posting without undue discriminations or favour.

The petitioner also prays for enquiry of the deteriorating medical facilities at Phulparas Referral Hospital, Phulparas during the period of posting of respondent no. 6 (sic) since patients coming there for even delivery of child are forced to take shelters at the private nursing Home of respondent no. 6 (sic) & ors instead of getting treatment in the Hospital. The medical services to be provided at Phulparas Referral Hospital Phulparas, district Madhubani has deteriorated as people approaching this Hospital do not get proper medical facility of investigation and medicines and they are forced either to take services at Private Nursing Centers or go to DMCH Darbhanga. On numerous occasions people have raised protest against poor medical facility and activities of respdt no.6 (sic). ”



2. Heard Mr. Ravindra Kumar, learned counsel assisted by Mr. Sudhir Kumar Raj, learned counsel for the petitioner, Mr. Vikas Kumar, learned counsel for the State and Ms. Smriti Singh, learned counsel for the respondent No.7.

3. Learned counsel for the petitioner submits that the present petition has been filed by way of Public Interest Litigation. In fact, the petitioner is a social worker and he has no direct or indirect personal interest with the transfer or posting of any other individual doctor. Learned counsel further referred the averments made in the memo of petition and, thereafter, submitted that the State of Bihar does not follow the transfer policy in the case of respondent No. 7. It has been contended that the respondent No. 7 is posted at Phulparas Sub-Divisional Hospital/Referral Hospital, District- Madhubani for about last 25 years. It is contended that against the policy of the State Government, the respondent No. 7 continued at the said place. It is further submitted that the respondent No. 7 is redirecting the patients who are coming in the Sub-Divisional Hospital for treatment to privately run medical clinics situated in the surroundings of the hospital. During the last 5 years, the number of patients referred to DMCH, Darbhanga has increased. It is also stated that the patients are also being shifted to his private



clinic for treatment. Learned counsel further submits that appropriate directions be issued to the respondents to transfer the respondent No. 7 from the place in question and necessary enquiry be initiated. However, at this stage, learned counsel submits that now, after filing of the present petition, the concerned respondent authority has constituted a Two-Man Committee and the said Committee has submitted the report on 06.06.2025.

4. On the other hand, learned counsel for the respondent-State has opposed the present petition. It is mainly contended that the present petition is not a Public Interest Litigation and, in fact, for some private interest, the same has been filed. However, learned counsel for the respondents has further referred the averments made in the counter affidavit and submitted that on the basis of the complaint given by the petitioner, the concerned respondent authority constituted a Two-Man Committee of Dr. Shambhu Narayan Jha, In-Charge ACO, Madhubani and Dr. Rajiv Ranjan, Deputy Superintendent, Sadar Hospital, Madhubani vide Letter No. 1598 dated 19.05.2025. It is further submitted that the said Committee has enquired into the allegation levelled against the respondent No. 7 and, thereafter, submitted the report on



06.06.2025, copy of which is placed on record at page no. 49 of the compilation. Learned counsel further submits that the petitioner has not challenged the said decision/report of the Two-Man Committee. Learned counsel for the respondents, therefore, urged that the present petition be dismissed.

5. We have considered the submissions canvassed by learned counsels for the parties and perused the materials on record. It transpires from the record that the petitioner has filed the present petition in the nature of Public Interest Litigation. Relying on the policy of the State Government, it is the case of the petitioner that the respondent No. 7 is working at the place in question since last 25 years, despite which, he has not been transferred. The another grievance is that the respondent No. 7 is diverting the patients to his private clinic and to some other private hospitals, as a result of which, in the last 5 years, there is decrease in the number of patients in the Sub-Divisional Hospital, Madhubani. However, it is pertinent to note at this stage that a similar type of complaint was made by the petitioner to the concerned respondent authority and, therefore, the respondent authority has constituted a Two-Man Committee. The Committee has now enquired into the matter and, thereafter, submitted the report on 06.06.2025. Copy of the said report is



placed on record at page No. 49. From the report submitted by the Committee, it transpires that the number of patients in the hospital in question has increased during the last 5 years. It is also required to be observed that the petitioner has not challenged the decision of the Two-Man Committee constituted by the concerned respondent authority.

6. Looking to the facts and circumstances of the present case, merely because the respondent No. 7 is not transferred from the place in question to any other place, it cannot be presumed that for some oblique motive the said person has not been transferred. Even otherwise, it is for the respondent-State to consider the aforesaid aspect.

7. We are of the view that the present petition in the nature of Public Interest Litigation is not required to be entertained in the facts and circumstances stated hereinabove.

8. Accordingly, the petition stands dismissed.

(Vipul M. Pancholi, CJ)

(Partha Sarthy, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	28.08.2025
Transmission Date	N/A

