

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23108 of 2012

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1. Kanhaiya Prasad S/O Lal Babu Prasad R/O Village- Naya Bazar, P.S. Hathua, District- Gopalganj
 2. Sri Bhagwan Yadav S/O Mahanth Yadav R/O Village- Pakhopali, P.S. Uchakagawn, District- Gopalganj
 3. Chhotelal Yadav S/O Dinanath Choudhary R/O Village- Doma Hatha, P.S. Manjhagarh, District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Health-Cum-Executive Director State Health Society, Bihar
3. The State Program Officer State Health Society, Bihar, Pariwar Kalyan Bhawan, Sekhpura, Patna
4. The District Collector-Cum-Chairman District Health Committee, Bihar, Gopalganj
5. The District Civil Surgeon-Cum-Member Secretary District Health Committee, Gopalganj
6. The Deputy Superintendent, Sadar Hospital, Gopalganj
7. The Deputy Superintendent Sub-Divisional Hospital, Hathua, District- Gopalganj
8. The District Program Manager, District Health Committee, Gopalganj
9. The In-Charge Medical Officer Primary Health Centre Thawe, District- Gopalganj
10. The In-Charge Medical Officer, Barauli, District- Gopalganj
11. The In-Charge Medical Officer, Panchdeori, District- Gopalganj

... .. Respondent/s

Appearance :

For the Petitioner/s	: Mr. Vijay Shankar Shrivastava, Advocate
For the State	: Mr. Sushant Praveer, AC to SC-9
For the State Health Society	: Mr. K.K. Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 09-09-2025

1. Heard learned counsel for the petitioners, learned
counsel for the State and learned counsel for the State Health



Society, Bihar.

2. The petitioners have filed the instant application for the following reliefs :-

“1. i) For issuance of a writ in the nature of Certiorari for quashing of the MemoNo.662/Gopalganj dated 24.8.12 including the Reference of Letter No. 452 Hathua/ dated 27.8.12 issued under the signature of the District Collector-cum-Chairman District Health Committee Gopalganj as contained in annexure-4 to this writ petition whereby and where-under the Service of Call 102 Ambulance has been cancelled with the effect from issuance of the above-said memo and further ordered that after issuance of above-said memo no such payment will be made to concern call 102 Ambulance.

ii) For issuance of a writ in the nature of Certiorari for quashing the Letter no. 3 dated 25.8.12 issued under the signature of In-charge Medical Officer, Primary Health Centre, Barauli as contained in annexure-5 to this writ petition whereby and where-under the Ambulance Service of the Petitioner No. 2 has been cancelled with the effect from 24.8.12 the date on which the memo no. 662 dated 24.8.12 (the memo no. 66 dated 24.8.12 has wrongly been typed) was issued.

iii) For issuance of a writ in the nature of Mandamus commanding and directing the respondents to allow the petitioner for service of Call 102 Ambulance and other



allowance including the benefits till the end of the period mentioned in the agreement as well as in the order as contained in memo no. 1666 dated 16.7.10 issued under the signature of Civil Surgeon-cum-Member Secretary District Health Committee Gopalganj as contained in annexure-1 series to this writ petition.

iv) For grant any other relief or reliefs for which the petitioners are entitled from the facts and Circumstances of the case.”

3. The case of the petitioners in brief is that pursuant to the respondent-District Health Society, Gopalganj inviting tenders for service of Call 102 Ambulance in the district of Gopalganj, the petitioners along with others submitted their tenders. In the meeting held, after due deliberation, the respondent/District Collector-Cum-Chairman, District Health Society, Gopalganj issued the order dated 16.7.2010 in favour of the petitioners and accordingly an agreement was entered into for a period of three years on the terms and conditions mentioned therein.

4. It is submitted by learned counsel appearing for the petitioners that by the order impugned dated 24.8.2012 (Annexure-4) the agreement entered into by the parties was cancelled by the respondent about 324 days prior to it getting over. Hence the instant writ application for the reliefs as prayed



for as mentioned herein above.

5. In response it is submitted by learned counsel appearing for the respondents that it was as per the directions issued by the Executive Director of the Bihar State Health and Family Welfare Institute, Sheikhpura, Patna on 17.8.2012, wherein it was mentioned that all the old ambulance service be stopped forthwith and the Primary Health Centres in the State of Bihar were provided Government owned ambulance vehicles, the decision was taken to boost up medical facilities in the rural areas of the State. Further, continuing with the service of the private ambulance involves huge expenditure. This being a policy decision of the State Government it is submitted that the same be not interfered with by the Court.

6. Heard learned counsel for the parties and perused the materials on record.

7. The relevant facts in brief are that pursuant to the respondents inviting tenders for providing service of ambulance, the petitioners along with others applied for the same and on being finally selected, an agreement was entered into between the respondent-District Health Society, Gopalganj and the petitioners for a period of 3 years. The respondents bringing an end to the said agreement about 324 days prior to its



completion, the petitioners have moved this Court for the reliefs prayed for as stated herein above.

8. On perusal of the contents of the petition it would transpire that the case of the petitioners is primarily one of violation of the terms of the contract by the respondents. The same appears to have been taken by the respondents as a result of a policy decision of the State Government as narrated in detail in the counter affidavit.

9. In case the petitioners are aggrieved by the violation of the terms of the contract/agreement, brought on record as Annexure-1 series, the remedy for the petitioners was to file an appropriate suit for damages in a civil Court of competent jurisdiction and not a writ application under Article 226 of the Constitution of India.

10. In the facts and circumstances of the case, the Court finds no merit in the instant application and the same is dismissed.

(Partha Sarthy, J)

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CAV DATE	N/A
Uploading Date	10.09.2025
Transmission Date	

