

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16971 of 2024

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Rakesh Kumar S/o Ram Brikash Das resident of village- Bishunpur,
Dharampur Bandey, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Health Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Health Department, Govt. of Bihar, Patna.
3. The Secretary -cum- Food Safety Commissioner, Health Department, Govt. of Bihar, Patna.
4. The Director in Chief (Administration), Health Services, Govt. of Bihar, Patna
5. The Chief Executive Officer, Bihar Swasthya Suraksha Samati, State Health Agency, Govt. of Bihar, Patna.
6. The Superintendent, Patna Medical College and Hospital, Patna.
7. The Nodal Officer, Ayushman Bharat, Jan Arogya Yojna and Covid-19, Patna Medical College and Hospital, Patna.
8. The Incharge Pharmacist, Ayushman Bharat, Jan Arogya Yojna and Covid -19, Patna Medical College and Hospital, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh
For the Respondent/s : Mr. Nadeem Seraj (Gp 5)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 01-11-2025 1. Learned counsel for the petitioner submits that the petitioner is a proprietor of M/s Briman Health Care Pvt. Ltd., Patna and is a registered firm engaged in the business of providing medicines and surgical items having the drug license issued by the licensing authority including the registration and GST.
2. During the COVID period on 16.11.2020, the



petitioner submitted an application to provide medicine and surgical items on MRP to PMCH through local purchase which were required for the scheme of Ayushman Bharat Yojana, 24 x 7 IGCC Emergency and COVID-19 (Wards and Units). Considering the necessity of the medicines and surgical items during COVID period, the Superintendent of PMCH allowed the petitioner on 17.11.2020 to provide the medicines and surgical items. Thereafter, indents of the medicines and surgical items, which were not available in PMCH, were provided by respondent no. 8 to the petitioner for supply of medicines through local purchase on 20% less than the MRP.

3. The petitioner supplied the medicines and surgical items to the PMCH during COVID period starting from 11.01.2021 to 29.01.2021 and submitted the bill for payment of medicines and surgical items which were supplied by the petitioner on the basis of indents issued by the respondent/authority. The petitioner filed several representations for payment, but the payment has not been given to the petitioner as of today.

4. On the other hand, learned counsel for the State submits that the petitioner's firm supplied the medicines and surgical equipment without a tender process or without the



approval of the concerned purchase committee. The quotation from the concerned agency was also not taken. The bill of Rs. 5,22,522/- was submitted before the superintendent, PMCH, Patna, for its payment. When the fact of supply of medicines without a tender and without approval of the purchasing committee came in the knowledge of the Superintendent, PMCH, Patna, thereafter, the respondent no. 6 i.e., Superintendent vide his letter no. 1189 dated 01.03.2025 sought a guideline from the Health Department, Patna, with regard to the payment of bill to the petitioner and the same is still pending before the Health Department.

5. I have heard learned counsel for the parties and have gone through the materials available on record.

6. From Perusal of Annexure 2, it appears that petitioner was allowed to supply the medicines during COVID-19 period by the Superintendent of PMCH, Patna. There is no dispute that medicines/equipments were not supplied by the petitioner. The petitioner has submitted his bill with the proper indents issued by the Competent Authority i.e., respondent no.

8. It is an admitted position that the medicines and the equipments were supplied during the COVID-19 period which was an extraordinary situation during which the process of



issuance of tender and decision of the Purchase Committee could not be followed. The fact remains that the medicines worth about Rs. 5,22,522/- have been supplied. Denial of payment to the petitioner by the Respondent/Authorities on the technical ground that during the COVID-19 period the process of purchase was not followed is not acceptable by this Court. There is no dispute in the amount in question.

7. Accordingly, I direct the PMCH including the respondent no. 6 to make the payment of the bill amount of the petitioner of worth Rs. 5,22,522/- within a period of two months from the date of receipt/production of a copy of this order.

8. With the aforesaid direction and observation, the present writ application is disposed.

(Anil Kumar Sinha, J)

HarshPandey/-

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