

(2020) 12 PAT CK 0243

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 6951 Of 2020

Brajesh Sahay

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 23-12-2020

Acts Referred:

Citation : (2020) 12 PAT CK 0243

Hon'ble Judges : Sanjay Karol, CJ;S. Kumar, J

Bench : Division Bench

Advocate : Gopi Jha, S.D.Yadav

Final Decision : Disposed Of

Judgement

Petitioner has prayed for the following relief(s):-

That the petitioner being a public spirited person/social worker without any motive seeks indulgence of this Hon'ble Court and by way of the

instant public interest litigation matters, endeavours to raise a public cause of issue of immense public importance relating to specialized healthcare

facilities being provided by the Government of Bihar and prays for issuance of the mandamus directing the respondent State to properly develop and

run with consistent and permanent policy and to frame proper rule/regulation to develop and run three super speciality Hospitals namely, LokNayak Jai

Prakash Speciality Orthopaedics Super Specialty Hospital, Rajbanshi Nagar Patna, Endocrinology Super Specialty Hospital, Patna and Rajendra

Nagar, Eye Super Specialty Hospital, Patna and further to effectively and efficiently to run the aforesaid super-specialty Hospitals serving the masses

in the best possible manner.

Learned counsel for the State opposes the petition stating that the petition is

misconceived; raises disputed question of fact; is not in public interest;

and that the issue can be best resolved at the Government level by the appropriate authorities.

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner will be content if a direction is issued to the

concerned respondent(s) to consider and decide the representation which the petitioner shall be filing for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the respondent No. 2, namely, the Principal

Secretary, Health, Government of Bihar, shall consider and dispose it of expeditiously and preferably within a period of two months from the date of

its filing along with a copy of this order.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same

shall be dealt with, in accordance with law and with reasonable dispatch.

Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the

parties.

Liberty reserved to the petitioners to approach the Court, if the need so arises subsequently on the same and subsequent cause of action.

We have not expressed any opinion on merits. All issues are left open.

The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree

to meet in person i.e. physical mode.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, also stands disposed of.