

(2020) 12 PAT CK 0275

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 14505 Of 2016

Janhit Abhiyan

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 01-12-2020

Acts Referred:

Citation : (2020) 12 PAT CK 0275

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

Bench : Division Bench

Advocate : Ashhar Mustafa, Binay Kumar Pandey

Final Decision : Disposed Of

Judgement

Petitioner has prayed for the following relief(s):

â??(i) For issuance of writ in the nature of mandamus commanding the respondents to forthwith take necessary steps to rectify the illegalities and irregularities noticed by the Ashok Parmar Committee and Vikash Arya Committee, which were constituted by respondent no. 1 to enquire into the affairs of the functioning of AIIMS, Patna.

(ii) For issuance of writ in the nature of mandamus commanding the respondent no. 1 to initiate departmental enquiry/proceeding and lodge FIR

against respondent no. 4 for illegal and corrupt practices carried out by him by abusing his position as Director, AIIMS, Patna.

(iii) For grant of any other relief in the interest of justice, equity and good conscience.â??

Notice in the petition was issued on 21st September, 2016 and thereafter the matter was listed on 21.10.2016, 24.03.2017, 10.04.2017, 09.05.2017,

25.08.2017, 11.10.2017 and 13.11.2017. On these dates, the matter was simply

adjourned.

On the next date i.e. 11th December, 2017, this Court passed the following order:-

Learned counsel appearing for the Union of India to submit a report with regard to the action taken with regard to the issue in question, particularly in the matter of selection and appointment to various posts in the Institute in question.

Six weeks time is granted for the purpose.

Whereafter, the matter was listed on 29.01.2018, 05.03.2018, 21.03.2018, 23.04.2018, 18.06.2018, 17.07.2018 when the matter was simply adjourned.

On the next date thereafter, the matter was listed on 18.08.2018, when the following order was passed:-

Learned Additional Solicitor General requests time to put up on record the steps taken and the pending litigation initiated by the concerned doctors, may be pending before the Central Administrative Tribunal and before this Court.

Put up on 28th August, 2018.

Today, we have taken up the petition for hearing. We find the respondents to have filed an affidavit exhaustive in nature indicating the steps taken for

taking appropriate in the matter. In fact, from the communication dated 3rd of August, 2018, Annexure-G annexed to the affidavit, it is apparent that

the committee is desirous of reviewing the reports of the Arya Committee on the basis of which the present petition stood filed. Record also reveals

that some of the concerned doctors have approached the Central Administrative Tribunal, which fact is also evident from our previous order dated

18.08.2018, reproduced above.

We are of the considered view that the matter can be closed with a direction to the respondent no. 1 namely, Union of India through the Secretary,

Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi, to examine all the issues highlighted in the present petition and ensure that

appropriate action is taken in the matter within next three months.

Liberty reserved to the petitioner to invite attention of the said authority to any other issue.

We are hopeful that the appropriate authority shall consider and decide the same after complying with the principles of natural justice.

Liberty reserved to the petitioner to take appropriate action in accordance with law, if so required and desired.

Issues are left open to be considered and decided in an appropriate proceeding, if so required and desired.

Petition stands disposed of.

Interlocutory application, if any, also stands disposed of.