

(2019) 12 PAT CK 0071

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 16718 Of 2016

Vikash Chandra Guddu Baba

APPELLANT

Vs

State Of Bihar Through Its Chief Secretary And Ors

RESPONDENT

Date of Decision : 09-12-2019

Acts Referred:

Citation : (2019) 12 PAT CK 0071

Hon'ble Judges : Sanjay Karol, CJ; Anil Kumar Upadhyay, J

Bench : Division Bench

Advocate : Vikash Chandra Guddu Baba, Lalit Kishore

Final Decision : Disposed Of

Judgement

1. Heard learned counsel for the petitioner and learned counsel for the respondents.

2. Petitioner has prayed for the following relief:-

"a) To issue an appropriate writ, order or direction for instituting a high level enquiry to enquire into the malfunctioning/ill functioning especially with respect to the storage, maintenance, supply and expiry of medicines in the different Government Medical Colleges in the State of Bihar.

b) To issue further an appropriate writ, order or direction commanding the respondents to take stern action against the employees/persons found involved in doing unfair means and the persons found responsible in mismanagement in storage, management, distribution and expiry of the medicines.

c) To issue further an appropriate writ, order or direction commanding the respondents to evolve a mechanism in order to prevent the recurring theft being committed in the campus of Government Medical Colleges especially with respect to the medicines and machines.

d) To adjudicate and hold that it was the duty of respondent authorities to see

each and every medicines is stored and maintained properly and no amount of medicine is allowed to expire in the campus of Government Medical Colleges.

e) To adjudicate and hold that it was the duty of respondent authorities to see that no amount of medicine is stolen from the campus of Government Medical Colleges and if that is so the culprit must be brought to the book and punished accordingly in accordance with the provision of law."

3. The issue primarily pertains to the pilferage of genuine drugs from the stores of the Medical Colleges in the State of Bihar and distribution of spurious drugs to the patients undertaking treatment in various hospitals in the State of Bihar.

4. The allegation is primarily based on the newspaper report dated 23rd of March, 2016 and the registration of one such F.I.R. with regard thereto. The petition was filed on 30th of September, 2016, whereafter, this Court has issued several directions. On 11th of September, 2018, this Court had observed as under:-

"It appears that the enquiry/investigation is being carried out by three teams of SIT. It is reported that number of F.I.Rs. have been filed. However, it is not made clear whether the F.I.Rs. have been filed against any of the officers/employees of the concerned medical college or the concerned medical hospitals or not.

Let the Advocate General appearing on behalf of the State file the counter on the aforesaid on the next date of hearing.

Put up on 24th of September, 2018."

5. It is seen that now action against the erring officials/persons have already been taken, and with the completion of the investigation, Challan stands presented in the Court for prosecution.

6. From the affidavit dated 24th of September, 2018 we find the State to have taken action.

7. Averments made in Paragraphs 12 to 17 are extracted as under:-

"12. That in the meanwhile Sri Bindeshwar Prasad also preferred a writ application bearing C.W.J.C. No. 15361/2017 which was heard and disposed of by an order dated 26.04.2018 with following directions:-

"In view of the statement made by the Respondent in paragraph-10 of the Counter affidavit to the effect that the Superintendent, P.M.C.H., Patna has constituted a three member committee on the issue of revocation of suspension of the petitioner and the report of the said committee is awaited, whereafter, the final decision shall be taken, the present writ petition is disposed of, with a direction to the Superintendent, P.M.C.H., Patna to take a final decision with regard to the revocation of the suspension of the petitioner within a period of four weeks from today, failing which the suspension of the petitioner shall stand revoked automatically."

13. That thereafter, in compliance of the order of this Hon'ble Court, the suspension of Sri Bindeshwar Prasad has been revoked vide memo no. 5779 dated 2.06.2018.

14. That it is further humbly submitted that thereafter, the above said committee submitted its report dated 18.05.2018 and subsequently, the then Superintendent, P.M.C.H., Patna vide his Memo no. 5140 dated 30.05.2018 had already sent a report of the three men committee to the Director-in-Chief (administration), Health Services, Bihar for taking necessary action against the erring delinquent in the light of the report of the above said committee.

15. That it is humbly submitted that in order to procure latest factual status of the P.S. Case No. 86/2016, the Superintendent, P.M.C.H., Patna his Memo no. 8142 dated 21.09.2018 has requested the In-charge, Pirbahore P.S. to provide progress report of the P.S. Case No. 86/2016.

16. That it is humbly submitted that the Superintendent, P.M.C.H. Patna has also procured a factual status of expired Chemicals/Reagent/Consumable set from the concerned store (i.e. Surgical & Medical) are as follows:-

Surgical Store.

In the year 2010-11, 2011-2012 & 2012-13 altogether 48 different types of Chemicals/Reagent/Consumable set has been shown as expired items and this issue had already been raised in another writ application bearing C.W.J.C. No. 15045 of 2013 (Vikash Chandra Guddu Baba Versus The State of Bihar & Ors) and after hearing the parties, the Hon'ble Court was pleased to dispose of the case on 19.01.2015. After year 2013, no such information of expired Chemicals/Reagent/ Consumable has been come to force before the hospital administration.

Medical Store.

The store Clerk (Medical Store) vide his letter dated 21.09.2018 has also furnished a report regarding expired drugs in medical Store of P.M.C.H. Patna thereby informing that no such expired drugs is there.

17. That in view of abovesaid facts and circumstances, it is humbly submitted that the answering respondent is quite conscious and vigilant about the issue in question and whatever steps would be required to be taken for proper management of drugs and also to prevent siphoning off the medicines, will be taken on priority basis so that the interest of the patients may not suffer."

8. In view of the same, we find that no other and further orders are required to be passed and, as such, we dispose of the present petition.

9. Shri Vikash Chandra Guddu Baba, petitioner, who is appearing in person, points out that post filing of the present petition, such malpractices are yet being continued in the State of Bihar.

10. Well, the basis of such submission is newspaper report and not verification

thereof. As such, we grant liberty to the writ-petitioner to approach the concerned officers/authorities inviting their attention to the illegality and irregularity, if any, which the petitioner may find after firstly making inquiries in that regard. We are sure that appropriate action shall be taken on the complaint made by the petitioner expeditiously and in accordance with law.

11. With the liberty aforesaid, the writ petition stands disposed of.