

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7526 of 2018

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Ranjan Kumar Jha Advocate S/o- Sri Suvesha Nand Jha, Chamber No.- 95,
Bihar Bar Council Building, Patna High Court, Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Law, Government of Bihar, Patna.
3. The Principal Secretary, Department of Health, Government of Bihar, Patna.
4. The Principal Secretary, Department of Finance, Government of Bihar,
Patna.
5. The High Court of Judicature at Patna through its Registrar General.
6. The Registrar General, High Court of Judicature at Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Avanindra Kumar Jha, Adv.
For the Respondent/s : Mr.Lalit Kishore -AG

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH)

Date : 18-11-2019

The present writ application has been preferred by an advocate of this Court by way of Public Interest Litigation for a direction to the respondent State to set up Primary Health Centre in each District Court (Civil Court) of the State of Bihar with complete infrastructure and adequate medical facilities for securing health care of judicial officers, advocates, staff and the litigants visiting the Civil Courts.



The relief/s prayed for as stipulated in paragraph 1 of the writ application reads as under:

“1. That the instant Public Interest Litigation is being preferred by the petitioner for grant of the following relief(s):-

(i) For issuance of an order, direction or a writ in nature of Mandamus commanding the respondents concerned to set-up Primary Health Centres (hereinafter referred as PHC) in all the District Court (Civil Courts), across the State of Bihar, with complete Infrastructure & related necessary/adequate medical facilities such as Doctors, Staffs and Medical equipments for the benefit of Hon'ble Judges & Court Staffs, thousands of Advocates/Legal Practitioners & their clients, and general public visiting the Court premises for their legal works.

(ii) For grant of any other relief or relief(s) to which the petitioner may be found entitled to in the facts and circumstances of this case.”

Learned counsel for the petitioner submits that the Supreme Court in the case of Francis Coralie Mullin Vs. Union Territory of Delhi, reported in (1981) 1 SCC 608 has held that the right to life guaranteed in Article 21 of the Constitution of India in its true meaning includes the basic right to food,



clothing and shelter but “more than mere animal existence”. Similarly in the case of Consumer Education and Research Centre Vs. Union of India, reported in (1995) 3 SCC 42, the Supreme Court held that it is the obligation of the State not only to provide emergency medical services but also to ensure creation of conditions necessary for good health including the provisions of basic curative and preventive health services and assurance of healthy living and working condition. Hence, it is the obligation of the State to establish Primary Health Centre in every Civil Court.

Learned Advocate General drew our attention to paragraph 7 and 8 of the supplementary counter affidavit filed by respondent No.3, the Principal Secretary, Department of Health, Government of Bihar, Patna wherein it is stipulated that the Government of Bihar has taken a policy decision to establish one Primary Health Centre in each of the 38 District/Civil Courts of the State of Bihar. An intimation to that effect has been given to the Accountant General vide Memo No.492(10) dated 18.7.2019 which stipulates that each Primary Health Centre will have a medical officer, one A.N.M. (Staff Nurse), one pharmacist, one lab instructor and one lower division clerk.

Paragraphs 7 and 8 of the counter affidavit reads as



under:

“7. That it is stated that in compliance of the order of Hon’ble Apex Court the Health Department constitute a committee in the Chairmanship of Chief Secretary, Bihar. The meeting of the Said committee was held on 06.11.2018 in which it is decided to establish Primary Health Centers (PHC) enriched with full medical facility instrument and staff in all the District and Session Courts (Civil Courts) across the State of Bihar to provide all medical facilities and Primary Health Care to the citizens as well as State Officials and in this regard letter has been issued vide letter no.498(10) dated 18.07.2019.

8. That it is further stated that by and under the above said letter dated 18.07.2019 the Govt. has approved the creation of posts of 180 post for the required medical staffs in the Primary Health Centre’s in the following manner:-

1. Medical Officer.....38 Post
2. A.N.M.....38 Post
- 3.Pharmacist.....38 Post
4. Lat Instructor.....38 Post
5. Lower Division Clerk.....38 Post”

Learned Advocate General further assures this Court that he will see that all the Primary Health Centres will



become functional preferably within a period of three months having all the infrastructure and medical care facilities and gradually posting of at least two doctors in each Primary Health Centre as prescribed by the Central Government's Indian Public Health Standards fixed for Primary Health Centres.

We highly appreciate the endeavour taken by the learned Advocate General, Government of Bihar and Mr. Ranjan Kumar Jha, learned Advocate in person.

In view of the discussions made above, since the relief claimed by the petitioner has primarily been redressed by the State of Bihar, we no longer intend to proceed any further.

Accordingly, the writ application is disposed of.

(Sanjay Karol, CJ)

(Dinesh Kumar Singh, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	27.11.2019
Transmission Date	N/A

