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IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.353 of 2021

Shivani Kaushik

... .. Petitioner/s

Versus

Union of India & Ors.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 5713 of 2020

Bihar Local Bodies Employee Federation

... .. Petitioner/s

Versus

The State of Bihar & Ors.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 9639 of 2021

Gaurav Kumar Singh

... .. Petitioner/s

Versus

The Union of India & Ors.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 12598 of 2021

Harihar Prasad

... .. Petitioner/s

Versus

The State of Bihar & Ors.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 16206 of 2021

Avinash Kumar

... .. Petitioner/s

Versus

The State of Bihar through the Principal Secretary & Ors.



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... .. Respondent/s

Appearance :**(In Civil Writ Jurisdiction Case No. 353 of 2021)**

For the Petitioner/s : Ms. Shivani Kaushik (In Person)
Mr. Mrigank Mauli, *Amicus Curiae*
Ms. Parul Prasad, *Amicus Curiae*

For the Union of India : Dr. K.N. Singh (ASG)
Mr. Anshuman Singh, CGC
Ms. Kanak Verma, CGC

For the State : Mr. Lalit Kishore, Advocate General
Mr. Anjani Kumar, AAG-4
Mr. S.D. Yadav, AAG-9
Mr. Amit Kumar Jha, A.C. to AAG-4
Mr. Alok Kumar Rahi, AC to AAG-4

For Respondent No. 5 : Mrs. Binita Singh, Advocate

For Respondent No. 6 : Mr. Shivender Kishore, Sr. Advocate
Ms. Archana Sinha, Advocate

For the Respondents : Mr. S.D. Sanjay, Sr. Advocate

For the PMCH : Mr. P.K. Shahi, Senior Advocate
Mr. Vikas Kumar, Advocate

For the PMC : Mr. Prasoon Sinha, Advocate

For the DMCH : Mr. Bindhyachal Rai, Advocate

For the GMC : Mr. Rabindra Kumar Priyadarshi, Advocate

For the Intervener : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr. Prashant Sinha, Advocate
Mr. Rajiv Kumar Singh, Advocate
Mr. V.K. Singh, Advocate

(In Civil Writ Jurisdiction Case No. 5713 of 2020)

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr. Anuj Kumar, Advocate
Mr. Madhav Raj, Advocate

For the Respondent/s : Mr. Lalit Kishore, Advocate General
Mr. Pankaj Kumar, SC-12

(In Civil Writ Jurisdiction Case No. 9639 of 2021)

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
Mr. Nikhil Singh, Advocate

For the UOI : Dr. K.N. Singh (ASG)
Mr. Anshuman Singh, CGC

For the State : Mr. Lalit Kishore, Advocate General
Mr. Anjani Kumar, AAG-4
Mr. Amit Kumar Jha, A.C. to AAG-4

For AIIMS, Patna : Mr. Binay Kumar Pandey, Advocate

(In Civil Writ Jurisdiction Case No. 12598 of 2021)

For the Petitioner/s : Mr. Sriram Krishna, Advocate

For the State : Mr. Yogendra Prasad Sinha, AAG-7
Mr. Rakesh Ambastha, AC to AAG-7
Mr. Durga Nand Jha, Advocate

(In Civil Writ Jurisdiction Case No. 16206 of 2021)

For the Petitioner/s : Mr. Devi Das Srivastava, Advocate
For the Respondent/s : Mr. Ajay Bihari Sinha, GA-8
Ms. Kalpana, AC to GA-8

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**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER**

(Per: HONOURABLE THE CHIEF JUSTICE)

53 16-12-2021 We do not find the affidavit to be in the letter and spirit of the orders passed by this Court. We need not say anything further in reference to the affidavit dated 6th of December, 2021 filed by Shri Pratyaya Amrit, Additional Chief Secretary, Department of Health, Government of Bihar. Our attention is drawn by the learned *Amicus Curiae* to the contradictions at Annexure B/1 Page No. 25; Annexure C/2 Page No. 43; Annexure-D/1 Page No. 54, Page No. 55, Page No. 56 and Page No. 57; Annexure E/2 Page No. 122.

For the aforesaid reasons, we are of the considered view that information sought to be furnished with regard to the health infrastructure, be it human resources or otherwise, at the district and sub-division level, has to be furnished, verified and authenticated firstly by the Civil Surgeons-cum-Chief Medical Officers and thereafter by the Additional Chief Secretary, Department of Health, Government of Bihar.

As such, we issue the following directions:-

(a) By tomorrow i.e. 17th of December, 2021, all the



Civil Surgeons-cum-Chief Medical Officers, posted in all the 38 districts of Bihar, shall personally verify the information of their respective districts and furnish the same, in a tabular form, through digital mode, to the office of the learned Advocate General, who shall forward the same to the Court Master;

(b) Additional Chief Secretary, Department of Health, Government of Bihar and all the Civil Surgeons-cum-Chief Medical Officers shall remain present through virtual mode tomorrow i.e. 17th of December, 2021 at 11:30 A.M.;

(c) Their particulars be furnished to enable the Registry to generate and forward the link for virtual hearing;

(d) Within next four working days, the Additional Chief Secretary, Department of Health, Government of Bihar shall, after collecting and collating the information directly from the Civil Surgeons-cum-Chief Medical Officers, file a fresh affidavit indicating the status with regard to the existence of the health infrastructure, be it of human resources or otherwise, in all the districts/sub-division level in the State of Bihar;

(e) The existence of infrastructure for dealing with the Medical Health issues arising out of current Pandemic Covid-19 shall be furnished in a separate tabular form;

(f) The information must be furnished in the format,



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physical and digital copy whereof, stands supplied to Shri Anjani Kumar, learned Additional Advocate General No. 4 during the course of the hearing.

List on 17th of December, 2021 at 11:30 A.M.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

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