

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2001 of 2018

Sanjeet Singh Son of Late Naresh Singh Resident of Hazipur Colony, Care of Ramanand Sahu, Post Office Road, P.S. - Digha, District - Patna.

... .. Petitioner

Versus

1. The Union Of India through Secretary, National AIDS Control Organization (NACO), 9th Floor, Chandralok Building, Janpath New Delhi
2. Principal Secretary, Department of Social Welfare, Bihar.
3. The Principal Secretary, Department of Social Welfare, Bihar.
4. The District Magistrate, Saran.
5. The Chief Medical Officer-cum-Civil Surgeon, Saran.
6. The Project Director, Bihar State AIDS Control Society BSACS, Sheikhpura, Patna.
7. The In-Charge, Anti Retroviral Therapy ART Centre, Chapra, Saran.
8. The Secretary, Ministry of Health and Family Welfare, Government of India, New Delhi.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Vikash Kumar Pankaj, Adv.
For the State	:	Mr. Ajay Bihari Sinha, GA8 Mr. Neeraj Raj, AC to GA8
For UOI	:	Mr. S.D.Sanjay, ASG Ms. Punam Kumari Singh, CGC
For respondent no.6	:	Mr. K.K.Sinha, Adv. Mr. Shashi Shekhar, Adv.

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

3 07-05-2019 Heard Mr. Vikash Kumar Pankaj, learned counsel for the petitioner. While Mr. Ajay Bihari Sinha represents the respondents no. 2, 3, 4, 5 and 7, the Project Director, Bihar State AIDS Control Society, Patna is represented through Mr. K.K.Sinha and the Union of India in its Ministry of Health is



represented by Ms. Punam Kumari Singh, learned Central Govt. Counsel.

An issue of grave Public Interest is raised in this writ petition but unfortunately it is made limited to the facility available for the HIV+ infected patient at Sadar Hospital, Chapra.

A counter affidavit is filed by respondent no.5 i.e. Chief Medical Officer on behalf of the Department as well informing that the only available CD4 machine and the Anti Retroviral Therapy Center within the Sadar Hospital, Chapra is functional and regular Pathological tests are being carried out of all such patients.

Mr. Pankaj, learned counsel appearing for the petitioner, while confirming to the affidavit submits that the steps for providing regular medical treatment to HIV+ infected patients no doubt has improved but the affected patients do apprehend a laxity and thus pray for a direction to be given to the concerned authority including the Department of Health as well as Bihar State AIDS Control Society to maintain the same standard of medical facility all through the year as well as to maintain regular supply of medicines to such patients in the other centers running across the State as well.



We are in absolute agreement with the concern shown by the petitioner in the maintenance of facility/ medicines on regular basis to the patients, all through the year and there cannot be any contest to what the petitioner raises nor this litigation can be called adversarial.

Having observed as such, that the cause raised by the petitioner has been addressed to and medical facility having improved at the Anti Retroviral Therapy (ART) Center at Saran at Chapra, we would expect the concerned authorities i.e. National AIDS Control Organization, New Delhi, the Bihar State AIDS Control Society, Patna as well as the Ministry of Health, Govt. of India, New Delhi to ensure that the medical facilities to HIV+ patients across the State, at all the ART centres are maintained and the centers are functional with CD4 machine as well as medical facilities as required to cater to such patients, are available all through the year.

With the advice above, we dispose of the writ petition.

(Jyoti Saran, J)

(Anjani Kumar Sharan, J)

Surendra/-

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