

IN THE HIGH COURT OF JHARKHAND AT RANCHI

**W.P. (PIL) No. 1301 of 2020**

Court on its own Motion

Versus

The State of Jharkhand and others ... .. Respondents

**WITH**

**W.P. (PIL) No. 1302 of 2020**

Court on its own Motion on the letter  
of Arun Kumar Dubey

Versus

The State of Jharkhand ... .. Respondent

**WITH**

**W.P. (PIL) No. 1308 of 2020**

Court on its own Motion

Versus

The State of Jharkhand ... .. Respondent

**WITH**

**W.P. (PIL) No. 2328 of 2020**

Rajeev Kumar ... .. Petitioner

Versus

The State of Jharkhand and others ... .. Respondents

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**CORAM: HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD**

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For the Petitioner: Mr. Rajendra Krishna, Advocate  
Mr. Rajeev Kumar (In Person)  
For the UOI: Mr. Rajiv Sinha, A.S.G.I.  
For the State: Mr. Piyush Chitresh, A.C. to A.G.  
For the RIMS: Dr. Ashok Kumar Singh, Advocate  
For the Intervener: Mr. Anil Kumar Singh (Sr. Advocate)  
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Oral Order  
**44/Dated: 09.09.2021**

- 1) Matter has been heard through video conferencing and there is no complaint whatsoever regarding audio and/or video quality.
- 2) Reference may be made to the order dated 26.08.2021.
- 3) Mr. Piyush Chitresh, learned A.C. to A.G., at the outset, has submitted that no further progress report pertaining to Kotwali P.S. Case No. 107 of 2021 could be produced but he undertakes to

produce the further progress report of the said case on the next date of hearing.

**4)** In furtherance thereof, Mr. Piyush Chitresh is hereby directed to apprise this Court also on the following issues –

- (i) What action plan has been decided to be followed in case of 3<sup>rd</sup> surge of the Covid-19 pandemic in the State of Jharkhand?
- (ii) Whether any action plan has been decided in upcoming festivals like Durga Puja, Kali Puja and Chhath? If yes, what is the action plan?
- (iii) Whether the State Government is considering to open the temples in the State of Jharkhand excluding the Baba Baidyanath Dham Temple at Deoghar as it has been informed by the learned Members of the Bar that the issue pertaining to opening of Baba Baidyanath Dham Temple at Deoghar is pending before the Hon'ble Supreme Court.

**5)** An affidavit has been filed by the RIMS wherein it has been stated that CT Scan Machine has been dispatched from Customs at Mumbai on 08.09.2021 and the moment it will reach, it will be made operational at RIMS, Ranchi.

So far as the supply of Single Plane Cath. Lab Machine is concerned, the Company, M/s. Sciemed Healthcare Pvt Ltd, has confirmed through whatsapp message that Single Plane Cath. Lab Machine has been cleared from Customs at Mumbai on 08.09.2021 and has been dispatched from Mumbai which will be made functional immediately after its arrival at RIMS, Ranchi.

So far as the functioning of generic medicine shop under the Pradhan Mantri Bhartiya Janaushadhi Kendra at RIMS Campus is

concerned, it has been averred that M/s. G.P. Sales has supplied 200 types of medicines on 07.09.2021 and at present 272 types of medicines are available in the Pradhan Mantri Bhartiya Janaushadhi Kendra and the shop is running 24x7 on the basis of the roster duty of the Pharmacists in the shop.

So far as tender process for selecting the agency for running the Pradhan Mantri Bhartiya Janaushadhi Kendra at RIMS Campus is concerned, it has been averred that the tender was opened on 20<sup>th</sup> August, 2021, five agencies had participated in the tender process and the Purchase Committee had held a meeting on 03.09.2021 in which it was found that due to certain ambiguity in the terms and conditions of the aforesaid Notice Inviting Tender, the anticipated bidders have not come up with the details of their conditions which is mandatory for deciding the eligibility of the bidders and as such, considering the ambiguity in the language in the tender, a decision has been taken to cancel it and new tender will be floated with requirement of currently valid licence to sell medicines and requirement of counting of turnover for only buying and selling of the medicines.

So far as the supply of Bi-Plane Cath. Lab Machine to RIMS is concerned, work order has been given to the Company M/s. Wipro GE Healthcare Pvt. Ltd. on 17.04.2021, but as yet, the machine has not been dispatched for its destination.

**6)** This Court, after considering the affidavit made on behalf of the Director, RIMS, deems it fit and proper to pass the following directions for its compliance –

- (i) The Director, RIMS, shall ensure making operational the CT Scan Machine and the Single Plane Cath. Lab

Machine forthwith the moment it will reach to its destination at RIMS, Ranchi.

- (ii) The Director, RIMS is also directed to ensure the functioning of Pradhan Mantri Bhartiya Janaushadhi Kendra in the RIMS Campus on the basis of supply of medicines which is being done of M/s. G.P. Sales without any interruption around the clock in order to avoid any difficulty to the people at large.
- (iii) This Court has shown concern about the attitude of the RIMS Authorities in coming out with the tender with ambiguous condition which has resulted in cancellation of the aforesaid tender and such action of the RIMS is considered to be very unfortunate as to how the RIMS authorities in such an important public issue has come out with the tender with such ambiguous condition which dragged the finalization of the tender process.

Upon this, Dr. Ashok Kumar Singh, learned counsel appearing for the RIMS, undertakes before this Court that on or before the next date of hearing the new tender would be floated and it will be finalized without any further delay.

This Court, after considering the aforesaid submission by way of undertaking, hereby directs the Director, RIMS to apprise this Court about the status of action taken for uninterrupted supply of generic medicines in the Pradhan Mantri Bhartiya Janaushadhi Kendra.

(iv) The Director, RIMS is further directed to followup the supply of Bi-Plane Cath. Lab with all sincerity and apprise this Court regarding the updated status.

7) Let the affidavits be filed replying the queries made by this Court, as above, by the concerned respondents on or before the next date of hearing.

8) Let these matters be posted on 16.09.2021.

**(Dr. Ravi Ranjan, C.J.)**

**(Sujit Narayan Prasad, J.)**