

IN THE HIGH COURT OF JHARKHAND AT RANCHI

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

Court on its own motion

Versus

State of Jharkhand

**With**

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

The Court on its own motion on the letter of Arun Kumar Dubey

Versus

The State of Jharkhand

**With**

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

Court on its own motion

Versus

The State of Jharkhand

**With**

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

Rajeev Kumar ... .. Petitioner

Versus

State of Jharkhand and another ... .. Respondents

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

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For the Petitioners: M/s. Rajendra Krishna, Rajeev Kumar (In Person), Sonal Tiwary, Anup Kumar Agarwal, Advocates

For the State: M/s. Rajiv Ranjan (Advocate General), Sachin Kumar (Addl. A.G.-II), Piyush Chitresh (A.C. to A.G.)

For the RIMS: Dr. Ashok Kumar Singh, Advocate

For the UOI: Mr. Rajiv Sinha, A.S.G.I.

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**Oral Order**

**22/Dated: 25.03.2021**

With consent of the parties, hearing of this matter has been done through video conferencing. They have no complain about any audio and visual quality.

The Secretary, Finance Department; the Secretary, Department of Health, Medical Education & Family Welfare, Government of Jharkhand, as well as the Director, RIMS are also present before this Court through Video Conferencing.

We have perused the affidavit filed on behalf of the State.

In our view, though the affidavit answers some of the queries which were made in the last order dated 18.03.2021 but it is not answering the major issue which was raised by the Director, RIMS

and was considered by this Court. The issue is that for years and even after initiation of the present proceedings, despite all the efforts and even in view of the prevailing pandemic situation, the RIMS has not been able to procure the necessary equipments which have been discussed in earlier affidavits and in earlier orders and in the last order also. The situation is emergent in the State due to the continuance of Covid-19 pandemic. The RIMS is the premier Institution of the State which is lagging the basic infrastructure even for diagnosis which is a matter of great concern. The question is whether there can be one-time relaxation in purchase of the equipments especially on the rates on which the AIMS, New Delhi; Christian Medical College, Vellore or the other premier Institutions of the country have purchased it recently, because the RIMS has neither been able to procure through GeM or through any other mode till date and people of Jharkhand, who are ailing and coming to the RIMS for treatment, are suffering.

In answer to the above queries, the affidavit explains us as to how purchase is to be made in accordance with the Finance Rules through GeM in case of single bid, etc. This was not our query. Our query was that they have failed to purchase it under such Finance Rules and people of the State are suffering. So years and years have passed and another several years will go without such procurement and the predicament of the ailing people of Jharkhand, who are coming to RIMS for treatment, would continue. Whether that situation can be acceptable? The answer has to be in negative. We have already asked a question in our earlier order as to whether in such a situation the purchase on emergency basis can be made if the Finance Rules permit. We had only asked the Government to answer whether there are provisions for that purpose or not or even if there is

no provision, can there be a one-time relaxation. It is regretted to say that the same has not been answered.

The Finance Secretary, who is present in person, has stated before us that there is some sort of provision in the Finance Rules but a decision has to be taken by the Government when such type of situation comes and the proposal is sent to the Government.

Let an affidavit be filed in that regard on behalf of the Finance Secretary and let the Director, RIMS send a proposal for emergency purchase to the Government through the Department of Health, Medical Education & Family Welfare. The Secretary of the Department of Health, Medical Education & Family Welfare will send the file to the concerned so that a quick decision can be taken, but before that, an affidavit must come on behalf of the State in that regard as to whether there can be one-time relaxation or not?

We hope and trust that such affidavit will come on the next date of hearing.

We regret here to say that despite all the efforts and even the efforts by the Court, the purchase of necessary equipments could not be made for the last one year and more even after initiation of this *pro bono publico* proceeding. It is a right and ripe time that every quarter of the State authorities should rise and cater the crisis. This issue of not properly equipping the RIMS is a matter of crisis in the pandemic days. It should be addressed by the Government authorities immediately.

So far the private players coming to the RIMS for diagnostic purposes is concerned, it has been stated in the affidavit that it was done as per the policy of the State to help and cater the persons below poverty line. According to the State, the private players

are not charging even a single penny from BPL persons. Even if that is the case, it raises so many questions. First would be as to why the State authorities should continue with such a policy which only weakens the RIMS? It will weaken the RIMS definitely because nobody will take interest in equipping the RIMS with necessary diagnostic equipments which are of much value. Second question is as to whether the private players will do that as philanthropy? They will definitely start charging twice and thrice from the other persons. If that is the situation a question arises whether the RIMS has been constructed only to cater the BPL persons? If the other persons for other diagnostic purposes have to pay twice or thrice then why they would not prefer private hospitals itself? Why they will come to RIMS? In that situation, whether the purpose of RIMS would be served? However, in the affidavit it has been assured that this issue is being revisited by the concerned authorities of the State Government. Therefore, we will not be issuing any direction for the present on this issue.

Put up this matter on 08.04.2021 on which date we will only consider the issue of one-time relaxation for purchase matter. For other matters, we will fix some other date.

The Secretary, Health & Family Welfare Department; the Secretary, Finance Department as well as the Director, RIMS should remain present on the next date of hearing also.

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

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