

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6141 of 2020**

Pravin Kishor Prasad Singh

... .. Petitioner/s

Versus

The State of Bihar & Ors.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.K.N. Choubey, Sr.Adv.

For the Respondent/s :

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

2      02-06-2020                      Heard Mr. K.N. Choubey, learned senior counsel  
appearing on behalf of the petitioner through Video  
Conferencing.

None appears on behalf of the State.

Learned senior counsel appearing on behalf of the  
petitioner submits that a copy of the petition has already been  
served on learned Advocate General.

Petitioner (doctor) in this writ petition is aggrieved  
with the order dated 22.05.2020 contained in letter no.1285 of  
the Collector, East Champaran, Motihari by which he directed  
that the F.I.R. be lodged against the petitioner and at the same  
time a departmental proceeding be initiated and proposal for  
suspension of the petitioner be also sent to the disciplinary  
authority.

The simple contention of learned senior counsel for



the petitioner is that the petitioner was In-charge of the quarantine centre and samples of four persons including Lalbabu Mahto for testing COVID-19 were taken. Lalbabu Mahto was a asymptomatic at the time of taking sample and, therefore, he was allowed to home quarantine itself. It is submitted that as per the guidelines issued by the Ministry of Health and Family Welfare, Government of India on 10.05.2020 (Annexure 5), if a person whose sample is taken and at the time of taking sample there appears a very mild case/ presymptomatic case, such person should be allowed to home quarantine. The petitioner (doctor) accordingly allowed Lalbabu Mahto and others to home quarantine as they were asymptomatics but the Collector in violation of the guidelines and directions issued by the Ministry of Health and Family Welfare, Government of India ordered for institution of F.I.R. and also recommended for suspension and departmental proceeding against the petitioner.

It appears that the petitioner (doctor) has acted in accordance with the guidelines and directions issued by the Ministry of Health and Family Welfare, Government of India and he has not violated any guidelines issued thereunder. In this view of the fact, the order as contained in Annexure 3 is stayed.



List this case on 25.06.2020 so that the State may file  
counter affidavit.

(Prabhat Kumar Jha, J)

Harish/-

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