



2026:CGHC:12838

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC No. 4421 of 2021**

- Dr. Vevek Choudhary, S/o Late Shri Kailash Chandra Choudhary, Aged About 56 Years, R/o E-1/4, Officers Colony, Devendra Nagar, Raipur Chhattisgarh

**---- Petitioner****Versus**

1. State Of Chhattisgarh, through the Principal Secretary, Department of Health and Family Welfare, Mantralaya, Mahanadi Bhawan, Atal Nagar New Raipur District Raipur Chhattisgarh
2. The Secretary, Department of Medical Education, Government of Chhattisgarh, Mahanadi Bhawan, Mantralaya, Atal Nagar New Raipur District Raipur Chhattisgarh
3. The Director, Directorate of Medical Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur District Raipur Chhattisgarh
4. The Dean Pt. J. N. Medical College, District Raipur Chhattisgarh
5. The Managing Director, Chhattisgarh Medical Services Corporation Limited, having its office at 3<sup>rd</sup> Floor, Govind Sarang Trade Center, New Rajendra Nagar, District Raipur Chhattisgarh

**----- Respondents**

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| 01/11/2021 | <p>Shri Manoj Paranjpe and Shri Akshay Uppal, Advocates for the petitioner.</p> <p>Shri Alok Bakshi, Additional Advocate General and Shri Ashish Tiwari, Govt. Advocate for the State.</p> <p>Shri Animesh Tiwari, Advocate for respondent No.5.</p> <p>This petition has been brought praying to quash the order dated 30-08-2021 (Annexure-P/1) passed by respondent No.2.</p> <p>It is submitted that the petitioner was posted as Joint Director cum Superintendent at Dr. Bhimrao Ambedkar Medical Hospital (in short 'Ambedkar Hospital'). During his tenure a company Millicure Healthcare Private Limited sent a proposal to the Minister, Ministry of Health and Family Welfare regarding setting up of Nuclear Medicine Diagnostic Center at Ambedkar Hospital. The proposal was sent to be examined by the petitioner, who replied and expressed his opinion that the equipments can be set up in public private partnership mode along with other terms. In all the correspondence made the petitioner has simply given his opinion and no demand was made. From the office of the Ministry the proposal of the company was passed over to</p> |



respondent No.5 by whom the tender was floated and purchase of equipments have been made which were installed in the Ambedkar Hospital.

It is submitted that respondent No.1 constituted enquiry committee to enquire about the financial irregularities, which has made enquiry and submitted report dated 20-07-2021 (Annexure-P/2), in which the petitioner has been held responsible for committing financial irregularities and on that basis the letter dated 30-08-2021 has been issued by the Additional Secretary, State Government to Director, Medical Education for registering the FIR against the petitioner. It is submitted by learned counsel for the petitioner that the petitioner had neither proposed nor demanded the purchase of equipments, neither the tender was floated by him nor any payment was made to the company through him, therefore, conclusion of the enquiry against the petitioner is totally erroneous and without any basis, which is causing unnecessary harassment to the petitioner. Therefore, it is prayed that until hearing of this petition the petitioner may be protected by interim relief.

Reliance has been placed on the judgment of Hon'ble the Supreme Court in the matter of **State of Uttar Pradesh and another Vs. Man Mohan Nath Sinha and another**, (2009) 8 SCC 310 and on the judgment of Hon'ble the Supreme Court in the matter of **Nisha Priya Batia Vs Union of India and another**, (2020) 13 SCC 56.

It is submitted that no proper opportunity of hearing was given to the petitioner before submission of the enquiry report. Hence, the petitioner may be granted interim relief.

Learned counsel for the State opposes the submission and submits that the special committee constituted by respondent No.1 has made detailed enquiry in which the petitioner was provided with all the opportunities for submitting documents and explanation. Therefore, the conclusion drawn in the enquiry report against the petitioner is unassailable. Reliance has been placed on the judgment of Hon'ble the Supreme Court in the matter of **Anju Choudhary Vs. State of Uttar Pradesh and another**, (2013) 6 SCC 384.

In reply, it is submitted by learned counsel for the petitioner that the petitioner is challenging the whole process of making enquiry against him, whereas, the enquiry report does not fix any responsibility on the authorities of respondent No.5 who were instrumental in calling bids, making purchase and making payment to the party



concerned. Hence, the petitioner may be protected.

Considered on the submissions. This petition is required to be heard in detail for which the respondent side is directed to file detailed reply.

In the meanwhile, it is ordered that the direction issued by respondent No.2 to respondent No.3 in memo No. F 10-36/2021/55 dated 30-08-2021 shall not be implemented until the next date of hearing.

List this case after two weeks.

Certified copy today.

Sd/-

**(Rajendra Chandra Singh Samant)**

Judge