

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10657 of 2007

- =====
1. Bihar Homoeopathic Medical College & Hospital, Gola Road, West Bailey Road, Patna, P.S.- Danapur, District- Patna, through its permanent Principal Dr. Kameshwar Singh.
 2. Dr. Kameshwar Singh, aged about 58 years, son of late Deep Narain Singh, permanent Principal, Bihar Homoeopathic Medical College & Hospital, Patna, resident of Manik Niwas, H. No.B 12, Anand Vihar Colony, Ambedkar Path, Bailey Road, Patna- 14.

.... Petitioners

Versus

1. The State of Bihar
2. The Commissioner-cum-Secretary, Department of Health, Medical Education and Family Welfare, Government of Bihar, Patna
3. Director (Indigenous Medicine) Department of Health, Medical Education and Family Welfare, Government of Bihar, Patna
4. Deputy Development Comissioner-cum-Chairman of the Governing Body of Bihar Homeopathic Medical College and Hospital, Collectorate, Patna
5. Dr. Ramjee Singh, Secretary of Governing Body, Bihar Homoeopathic Medical College and Hospital, Gola Road, Patna Residence of Road No.-5, Ashok Nagar, P.S. Kankerbagh, Patna-20 and also Secretary of G.D. Memorial Homoeopathic Medical College and Hospital, Ram Krishna Nagar, Kankerbagh, Patna-20.

.... Respondents

=====

Appearance :

For the Petitioners : Dr. K.N. Singh, Sr. Adv.
Mr. Bharat Bhushan, Adv.
For the Respondents : Mr. Santosh Kumar Singh, Adv.
Mr. Pankaj Kumar Singh, Adv.
AC to SC 28

=====

CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

and

HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

Date: 24-08-2015

Heard Mr. K.N. Singh, learned Senior Counsel,
appearing on behalf of the petitioners, and Mr. Santosh Kumar Singh, learned counsel representing the State-respondents.

This writ application was filed in the year 2007,

seeking a declaration that Section-8(1) and 13 of Homeopathy Medical Educational Institution (Regulation and Control) Act, 1987 was *ultra vires* Articles-14 and 16 of the Constitution of India as it conferred unbridled power on the State Government to interfere with the functioning of the Governing Bodies running institutions under the Act.

Our attention has been drawn to Annexure-10 of the third supplementary affidavit, filed on behalf of the petitioners, which is the Homeopathic Central Council (Amendment) Act, 2002, and subsequent order dated 16.12.2009 (Annexure-12), issued by the Health Department, Government of Bihar, to the effect that with the coming in force of the State Amendment, in the year 2002, the Bihar Homeopathic Medical Institution (Regulation and Control) Act, 1987 has become ineffective.

Apparently, in view of the above, this writ application has lost its purpose and has, therefore, become infructuous.

Application accordingly stands closed.

(I. A. Ansari, ACJ)

(Chakradhari Sharan Singh, J)

K.C.jha/-

U			
---	--	--	--