

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3898 of 2015

National Institute of Health Education and Research. Situated at IDH Colony, East of NMCH, Gulzarbagh, P.S.- Alamganj, Town/Dist - Patna. Through the Secretary, Dr. Umesh Prasad Gupta. Son of Late Deo Nath Gupta. Resident of Mohalla - IDH Colony, P.S.- Alamganj, Town/Dist - Patna.

.... Petitioner/s

Versus

1. The State of Bihar, Through the Principal Secretary, Health Department, Govt. of Bihar, Patna.
2. The Director in Chief, Health Services, Bihar, Patna.
3. The Deputy Secretary, Govt. of Bihar, Patna.
4. The Collector, Patna.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Dr. Anand Kumar
For the Respondent/s : Mr. GP14- M.K. Ambastha
Mr. Subodh Kumar

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 11-09-2015

11.09.2015

After having a detailed hearing as well as perusing the materials produced on behalf of the petitioner and the respondent-State, this Court is not convinced that there was absence of which material which could lead to derogation of the institution by the respondent-authorities. The order is Annexure-1, dated 02.02.2015.

The Court intentionally does not delve into all the materials and details or makes any observation on these materials being conscious of the fact that the

petitioner has also filed a title suit which has been numbered as Title Suit No. 18 of 2015, pending before the court of Sub-Judge-III, Patnacity.

However, one submission of the counsel for the petitioner surely merits consideration. The institution in question was given temporary recognition in the year 1998-99, thereafter has been given permanent recognition and because of the reason of so called encroachment and construction on the land of NMCH, such a recognition has been unilaterally withdrawn vide Annexure-1, dated 02.02.2015. Petitioner is seeking quashing of the said notification.

Petitioner also submits that this is a unilateral action without any prior notice and opportunity of hearing to the petitioner. This position surely requires reconsideration.

Let the respondents issue a show-cause to the petitioner forthwith. Petitioner will be given a suitable time-frame to respond thereto as to why the permanent affiliation should not be cancelled in the given facts and circumstances and on the cause so shown by the petitioner a fresh order would be required to be passed.

Till such a decision, the order contained in Annexure-1 will be kept in abeyance.



Writ application stands disposed off with the above direction and observation.

Before parting, it is made clear that this does not give a license to the petitioner to take any fresh admission in any manner. But, so far as the present batch is concerned, the State authority will surely consider as to what to be done with them. If they have completed their studies then mode or modalities for holding their examination will have to be worked out, because the students, who have finished their course of studies, should not suffer because of the present dispute.

(Ajay Kumar Tripathi, J.)

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