

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11712 of 2013

Basu Ram Laxman Prasad Ayurvedic Pharmacy College And Hospital Through Its  
Secretary, Laxman Prasad Son Of Late Basu Ram Chhatauni Chowk, Motihari  
(East Champaran)

.... .. Petitioner/s

Versus

1. The State Of Bihar Through Chief Secretary
2. The Principal Secretary, Department Of Health, Bihar, Patna
3. The Secretary, Department Of Health, Bihar, Patna
4. The Additional Secretary, Department Of Health, Bihar, Patna
5. The Under Secretary, Department Of Health, Bihar, Patna
6. The Registrar, Bihar State Ayurvedic And Unani Council, Kankarbagh, House  
No. K- 52, Hanuman Nagar, Patna
7. The Director, Bihar State Health Services Ayurvedic And Unani Govt. Of Bihar,  
Patna
8. The District Indigenous Medical Officer, Motihari (East Champaran)
9. The Deputy Director, Bihar State Health Services Ayurvedic And Unani Govt.  
Of Bihar, Patna
10. The Civil Surgeon-Cum-Chief Medical Officer, (Ayush), Motihari (East  
Champaran)

.... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh  
For the Respondent/s : Mr. Sunil Kumar, AC to SC-2

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 03-11-2015

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03.11.2015 Heard learned counsel for the petitioner and  
counsel for the State.

Petitioner has filed the present writ application  
through the Secretary of a Pharmacy College for a  
direction upon the respondent-State authorities to take  
over the college and run its affairs.

At the outset, the question, which arises for  
consideration is whether the State has any obligation to

take over such an institution under any statute or law or a policy.

The stand of the State in the counter affidavit is that there is neither any law nor any policy in vogue. They have not taken over any institution of such kind or they do not intend to do so atleast in near future.

If that be so, then there is no failure to perform any public duty, for which mandamus can be issued.

It is an ill-advised writ application, which deserves to be dismissed.

If there is any change in law or policy, petitioner will surely get a right in this regard, not otherwise.

In view of the aforesaid facts and circumstances, writ application is dismissed.

**(Ajay Kumar Tripathi, J.)**

SKM/-

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