

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1813 of 2013**

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Mukesh Kumar Gupta S/o Late Surendra Prasad Gupta R/o Katrisarai,  
Police Station- Katrisarai, District-Nalanda, Vaidya (Medical Practitioner)  
of Ayurvedic and Unani Systems of Medicines

.... .... Petitioner/s

Versus

1. Union of India through Secretary, Department of Postal and Telegraph,  
New Delhi
2. The Chief Post Master General Bihar, Patna
3. The Superintendent of Post Offices Nawada Division, Nawada
4. The Principal Post Master, Nawada
5. The Deputy Post Master Katrisarai under Nawada Division, Nawada
6. The Bihar State Aurvedic and Unani Medical Council, Patna through  
Registrar
7. The Registrar Bihar State Aurvedic and Unani Medical Council, Patna
8. The Superintendent of Police, Nalanda, Biharsharif
9. The Officer-in-Charge, Katrisarai, Nalanda

.... .... Respondent/s

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**Appearance:**

For the Petitioner/s : Mr. Niranjan Kumar, Advocate

For the Respondent/s : Ms. Nivedita Nirvikar, GA-10

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**  
**ORAL ORDER**

6      20-01-2015              Mr. Niranjan Kumar for the petitioner, Ms. Nivedita  
  
Nirvikar, G.A.-10 for the State and Mr. Rajesh Kumar Verma,  
  
Central Government counsel for the Union of India are present.

Although respondent nos. 6 and 7 i.e. the Bihar State  
Ayurvedic and Unani Medical Council and its Registrar have  
appeared through counsel Mr. Praveen Kumar Sinha who has also  
filed a counter affidavit and his name is reflected in the cause title  
but he has not chosen to appear on call.

The petitioner is aggrieved by the order as contained in



Annexure-3 whereby on the information given by the Station House Officer of Katrisarai Police Station bearing Memo No. 829 dated 28.9.2012 and upon institution of a police case in which the petitioner is one of the accused, that the facility granted to him of transmitting Ayurvedic / Unani medicines through post, has been withdrawn.

It is not in dispute that such facility as per Annexure-2 which is a letter of the Superintendent of Post Office, Nawada Division, Nawada was granted to the petitioner subject to the condition that no illegality is committed by him or there are no complaints received against him and which facility stands withdrawn in view of the criminal case.

The affidavit of the council available on record reflects that the petitioner is not a registered practitioner nor his name appears in the State Register rather he has been enlisted by the Council to practice within the State under Section 39 of the Bihar Development of Ayurvedic & Unani Systems of Medicine Act, 1951. The records further manifest that despite the police case, no restriction has been imposed by the council as regarding local practice by the petitioner.

In the circumstances discussed and in view of the admitted position that the police case arising from Giriyak P.S. Case No. 158 of 2012 stands instituted and in which the petitioner

is one of the accused, no infirmity can be found in the order of the Superintendent of Post Office withdrawing the facility of transmission of Ayurvedic / Unani medicines by post to the petitioner at this stage. However, if the petitioner is exonerated in the criminal case, he shall be at liberty to request for resumption of facility and which shall be considered on its own merits.

With the observations aforementioned, the writ petition is disposed of.

**(Jyoti Saran, J)**

S.Sb/-

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