

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.921 of 2015

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1. Manoj Kumar Yadav son of Sri Nageshwar Yadav resident of Mohalla-Shahganj (Benta), Police Station- Laheriasarai, District- Darbhanga.
 2. Rajesh Kumar son of Late Raj Grihi Ram resident of Mohalla- D.M.C.H. Campus, Quarter No. 5, Police Station- Laheriasarai, District- Darbhanga.
 3. Rajiv Ranjan Srivastava son of Late Binay Bhushan Prasad resident of Mohalla- Balbhadrapur, Police Station- Laheriasarai, District- Darbhanga.
 4. Alok Ravi Shankar son of Awadesh Prasad resident of Mohalla- Balbhadrapur, Police Station- Laheriasarai, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner -cum -Secretary, Health Services, Bihar, Patna.
3. The District Magistrate, Darbhanga
4. The Chief Medical Officer, Darbhanga.
5. The Addl. Chief Medical Officer, Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha

For the Respondent/s : Mr. Kundan Bhadur Singh

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

4 17-07-2015 Heard the Counsel for the petitioners and the A.C. to S.C.
22 for the State.

A counter affidavit has been filed on behalf of the respondent State. Rejoinder thereto has been filed by the petitioners.

The petitioners seek a direction upon the respondents to grant certificate of registration as also licence for running Ultrasound Centres within the city of Darbhanga.

Learned counsel for the petitioners draws attention of the Court to Annexures-A, B, C and D which are the communications,



all dated 7.1.2015, issued by the competent authority-cum-Civil Surgeon under the Bihar Clinical Establishment Act, 2013 and the rules framed thereunder in the year 1996, whereby the competent authority has refused to grant the registration/licence as the Advisory Committee constituted under the rules found deficiencies in the applications.

Learned counsel for the petitioners states, which have not been denied by the State that the three common deficiencies set out in Annexures-A to D are common to all the petitioners.

Counsel for the petitioners has taken a stand that the petitioners be permitted to file fresh applications for grant of licence/registration to run the Ultrasound and Sonography Centre after removing the deficiencies pointed out in the aforesaid communications which may be directed to be considered strictly in accordance with the Act and the Rules framed thereunder within a specified time.

Counsel for the State, considering the said submission of the petitioner, has not objected to disposal of the matter.

Accordingly, the prayer made in the application is declined. Petitioners are granted liberty to file fresh application for consideration before the appropriate/competent authority under the Act. If the same is/are filed, the respondent authority shall

consider the same afresh in accordance with law as quickly as possible preferably within three months from the date of receipt/production of a copy of this order.

Pankaj/-

(Kishore Kumar Mandal, J)

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