

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17793 of 2015

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1. Nutan Prakash Memorial Trust through its Managing Trustee (President) namely Deo Prakash Singh, having its registered office at 108-Hem Plaza, Frazer Road, Patna-800001, District Patna.
 2. Nutan College of Paramedical and Sciences, Patna through Secretary of the Trust having its registered office at 108-Hem Plaza, Frazer Road, Patna-800001, District Patna.

.... Petitioners

Versus

1. The Principal Secretary, Department of Health, Government of Bihar at New Secretariat, Patna.
2. The Principal Secretary, Department of Health (M.E. & I.M.), Government of Bihar at New Secretariat, Patna.
3. The Director General of Nursing Council, Government of India, New Delhi.
4. The Chief Administrative Medical Officer, Government of Bihar.
5. The Superintendent of Medical Services, Government of Bihar.

.... Respondents

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Appearance :

For the Petitioners	:	Mr. Kuber Pathak, Advocate Mr. Sumeet Kumar Singh, Advocate
For the State	:	Mr. Ajeet Kumar, S.C.28 Mr. Pankaj Kumar Singh, A.C. to S.C.28
For N.C.I.	:	Mr. S.N. Pathak, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 01-07-2016

The petitioners have set up what is known as Nutan College of Paramedical and Sciences in Fatwah in the district of Patna. Since the State Government has to grant permission in terms of the provisions, the State Government decided to constitute a committee for carrying out an inspection which was done and a report submitted with their recommendation in favour of the institution on 17.02.2014, a copy of the inspection report is Annexure-8 and annexed with I.A. No.2369 of 2016.



2. The petitioners expected the State authorities to do the needful in terms of the recommendation of the inspection team but, nothing came to be done for almost a year. Instead of passing any order or taking a decision on report contained in Annexure-8, yet another notification dated 09.02.2015 has been issued constituting yet another committee for inspection. This order is Annexure-7 to the writ application. Petitioners have filed the writ application for quashing of this notification as well as a direction upon the State authorities to pass an appropriate order in terms of the recommendation of the previous inspection committee.

3. The Court does not appreciate repeated inspections of the institution especially when such inspection reports are not being acted upon for a long long time and till the authorities feel that enough time has elapsed and yet another time for inspection has arisen. It cannot be an on going process and this game of inspection must stop.

4. However, taking into consideration that more than two years has already elapsed since the last report was submitted by the previously constituted committee and even after issuance of Annexure-7, dated 09.02.2015, the Committee has not carried out any inspection and produced any report, the Court directs that the authorities indicated in Annexure-7, must carry out an inspection of the institution by four weeks, submit a report thereafter within two

weeks and the Principal Secretary, Health, Government of Bihar will pass an order with regard to such recognition and approval based on the recommendation of the inspecting team within another four weeks of submission of the report.

5. Writ application is allowed with the above direction.

(Ajay Kumar Tripathi, J.)

SanjayKumar/-

AFR/NAFR	NAFR
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