

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15011 of 2016

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1. Kundan son of Shiv Shankar Sharma resident of village - Parari, P.O. - Taranagar, P.S. - Bihta, District - Patna - 800023.
 2. Himani Rana daughter of Balwant Singh Rana resident of village - Ree, P.O. - Hamirpur, P.S. - Hamirpur, District - Hamirpur, (Himachal Pradesh).
 3. Rajani Ratna daughter of Paras Nath Gupta resident of Mohalla - Kalambagh Road, P.S. - Kazi Mohammadpur, P.O. - Ramna, District - Muzaffarpur.
 4. Mukta Halder daughter of Golock Chandra Halder resident of Mohalla - Sardar Road, Ward No. - 13, Lawan, P.S. - Kasdol, District - Baloda Bazar (Chhattisgarh)
 5. Shalini Singh daughter of C.S. Singh resident of Mohalla - Flat 304, R.P. Kunj, New Patliputra Colony, P.S.- Patliputra Colony, District - Patna.
 6. Kavita Jaiswal daughter of Balaji Jaiswal resident of village - Birkana, P.O. - Dharampura, P.S. - Pipraiya, District - Kawardha, (Chhattisgarh).
 7. V.A. Joel Donald son of V.A. Kiran Kumar At House No. - 5-1-86/3, Sanjeeva Nagar, P.S. - Sangareddy, District - Medak, State - Telangana.
 8. Ramineni Raja son of R. Srinivasa Rao At House No. - 22-11-3/1, Aditya Colony, Palakol, District - West Godavari (Andhra Pradesh).
 9. G. Venkata Sai son of Gangishetty Vijay Kumar At Plot No. - 176, Opposite Ashtalakshmi Temple, R.K. Puram, Vasavi Colony, P.S. - L.B. Nagar, Hyderabad.
 10. Karthik Surabhi son of S. Rajasekhar At Plot No. - 5, P & T Colony, New Bakaraw, P.S. - Musheerabad, District - Gandhinagar, Hyderabad.
 11. D. Madhupriya daughter of D.Y.N. Verma At 55-9-1/33, Door No. V - 201, Jeevan Visakha Apartments, Beside LIC Office, MMTC Colony, Seethammadhara, P.S. - III Town Police Station - Visakhapatnam - 530022 (Andhra Pradesh)
 12. Seraj Ahmad son of Md. Azimullah resident of village - Fathan, P.O. + P.S. + District - Gopalganj (Bihar).
 13. Anu Priya daughter of Vijay Kumar Thakur At 3 Giridra Mohan Road, Near AIR Darbhanga, P.O. - Lalbagh, P.S. - Town, District - Darbhanga - 846004.
 14. Vishal Kumar son of Birendra Ojha At North Railway Colony, Quarter No. 49CD, P.O. - Gajadharganj, District - Buxar - 802103.
 15. Himanshu Shekhar son of Pramod Kumar Rai resident of village + P.O. Singhachappar, P.S. M. Bettiah, District - West Champaran - 845438.
 16. Aakriti Kiran daughter of Sanjay Kumar At Saristabad, Indrapuri Path, A - 30, P.O. - G.P.O. P.S. - Gardanibagh, District - Patna - 1.
 17. Mritunjay Kumar Jha son of K.C. Jha At B - 4, Nehru Vihar Apartment, Nehru Nagar, P.S. - Patliputra Colony, District - Patna - 800013.
 18. Indramil Basak son of Late H.G. Basak At 91 P.C. Ghosh Road, P.S. - Lake Town, P.O. - Shreebhumi, District - Kolkata - 700048.
 19. Anant Aaditya Shivam son of Late Dr. S.K. Sharma At Readers Qtr. No. - 15, BRA Bihar University Campus, District - Muzaffarpur - 842001.
 20. Sadique Abdullah son of Md. Shoaib resident of Mohalla - Mathiya Zirat, Near Basuram Laxman Pd. Ayurvedic College & Pharmacy, P.O. - Motihari, P.S. - Chhatauni, District - East Champaran - 845401.
 21. Zayed Aashique son of Md. Mustafa At Shayampurdayal, P.S. - Bidupur, P.O. - Madhurapur, District - Vaishali - 844503.
 22. Soumya Kanti Panja son of A.K. Panja At Medical College Road, Kasuhalya Kharagpur, District - West Midnapur - 721301, (West Bengal).
 23. Ashwani Kumar Rai son of Hemant Rai At C - 19/53, Kashi Vidyapeeth, P.S.- Sagra, District - Varanashi - 221002(U.P.).
 24. Anirudh Yadav son of Anil Kumar At Qtr No. 67/3, M.E.S. Qtr. Shiv Mandir, Polosquare Danapur Cantt., P.O. + P.S. - Danapur, District - Patna - 801503.

25. Sanja Parveen daughter of Md. Humayun Ansari At Seva Medical Hall, Near Savitri Cinema Hall, N.H. 31, P.O. - Begusarai Head P.O. District - Begusarai - 851101.
26. Sunita Kumari daughter of Vijay Choudhary At Gandhinagar, Simrahi, P.O. + P.S. - Raghupur, District - Supaul - 852111.
27. Sukanya Sudhir Tomar daughter of Sudhir Kumar Singh At 'Shubham Aawas', Nunudih, P.O. - Palherdih, P.S. - Sudamdih, District - Dhanbad - 828119.
28. Aamir Khan son of Raisuddin Khan At Narayanpur, P.O. + P.S. Mansahi, District - Katihar - 854103.
29. Anuradha daughter of Dr. Jitendra Kumar Singh At Maa Devta Haddi hospital Pratap Nagar, Gangjala Chowk, P.O. +P.S. + District - Saharsa - 852201.
30. Saurabh Prasad son of Prabhu Kushwaha At Krishna Toli, Brahmpura, P.O. - M.I.T. District - Muzaffarpur - 842003.
31. Om Prakash son of Ram Chandra Mahto resident of village + P.O. - Kamranw, P.S. - Dalsingsarai, District - Samastipur - 848114.
32. Pankaj Kumar son of Shukhdeo Pandit At Naya Tola, Near Kanak Bhawan, in front of Labour Court, P.S. - Kazi Mohammadpur, P.O. - Head Post Office, Muzaffarpur, District - Muzaffarpur - 842001.
33. Tulika daughter of Shailendra Kumar resident of village - Saidpura, P.O. - Alinagar, P.S. - Surajgarha, District - Lakhisarai.

.... Petitioners

Versus

1. The State of Bihar through Chief Secretary, Bihar, Patna.
2. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna.
3. The Director of Medical Education, Bihar.
4. The Medical Council of India, through its Secretary, Sector - 8, Pocket - 14, Dwarka Phase - 1, New Delhi - 110077.
5. The Union of India, through its Secretary, Ministry of Health & Family Welfare, Department of Health & Family Welfare, Govt. of India, Nirman Bhawan.
6. The Vice Chancellor, B.N. Mandal University, Lalu Nagar, Madhepura.
7. The B.N. Mandal University through its Registrar, Lalu Nagar, Madhepura.
8. Lord Buddha Koshi Medical College & Hospital, Baijnathpur, Saharsa - 852201 through its Chairman.

.... Respondents

Appearance :

For the Petitioner/s	:	Mr. Y.V.Giri, Sr. Adv. Mr. Pranav Kumar, Adv.
For the Respondent/s	:	Mr. Ajay Bihari Sinha, Adv.
For the M.C.I.	:	Mr. Kumar Brijnandan, Adv.

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 06-10-2016

Rather unfortunate situation has been created for the petitioners, who are students of M.B.B.S. Unfortunate because they were granted admission after following due process into a Medical



College known as Lord Buddha Koshi Medical College and Hospital situated in the district of Saharsa. The College in question was established in the year 2012 after due essentiality certificate issued by the State of Bihar with an undertaking that the State of Bihar takes full responsibility for future of the students, who are before this Court in the present writ application.

Within four years of establishment of the Medical College, it has collapsed. The Court is informed that it has also gone into liquidation. The students have been left in lurch after they have completed three years of studies. When they reached fourth year there is neither an establishment nor the forum from where they can complete the course of M.B.B.S.

When the students did not get any ears to place their grievances, they have chosen to move the High Court by filing the writ application for a direction both upon the State and the M.C.I. that these students need to be accommodated in other existing Medical Colleges, so that they can complete their course of study.

As usual the State Government instead of taking a decisive stand and helping the students in distress is busy in shirking the responsibility by writing letters to different authorities including the M.C.I.

As per submission of the counsel for the State the M.C.I. has



to first sanction the seats before the students can be accommodated in the Medical Colleges existing in the State of Bihar. The M.C.I., on the other hand, says that the proposal has to emanate from the State giving the background in which they have to be accommodated. Therefore, a kind of log jam situation has been created and the future of the students continue to be bleak.

Counsel for the M.C.I. further submits before this Court that one of the requirements, before the M.C.I. can be to entertain such request for shifting, is withdrawal of essentiality certificate issued in favour of the College in question. Because that will be a final proof of the institution having shut down for all practical purposes and thereafter on a recommendation made by the State the required decision will be taken within the shortest possible time.

From the kind of stand taken before the Court by the State, obviously nobody in the State is bothered about the students who are in dire state. The shifting of responsibility will not do in the present case. Enough time and accommodation has been granted to the State to take a decision as well as make recommendation to M.C.I. in the above circumstances.

Learned Senior counsel further informs the Court that the M.C.I. refused to allow any admission in the College in question from the Session 2013 onwards. In other words, the status of the College is

not a matter of dispute or argument.

Since the respondent authorities, specially the State of Bihar will not move till they pushed by a judicial order, the Court is constrained to give a direction upon the Principal Secretary, Department of Health, Government of Bihar, or whoever is In-charge at the helms of affairs, since he is said to be on leave for training, that he will withdraw the essentiality certificate of the College in question forthwith. He will make recommendation for accommodation of the students in other existing Medical Colleges as is their responsibility emerging even from the essentiality certificate. The recommendation to M.C.I. will be made within a period of two weeks and thereafter the M.C.I. will give approval and facilitate admission of the students in other Medical College, so that they can complete left over studies within the time frame now. The M.C.I. must take a decision and make recommendation to the Central Government within a period of four weeks thereafter.

This order and time frame must be strictly adhered to by one and all.

Writ application is allowed in terms of the above direction.

Surendra/-

(Ajay Kumar Tripathi, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	6.10.2016
Transmission Date	NA

