

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15736 of 2014

1. Dr. Arun Kumar In-Charge-Principal cum Professor-in-Charge, The Temple of Hahnemann Homeopathic Medical College AND Hospital, Munger son of Late Hira Lal resident of Mohalla - Keshopur, Post Office - Jamalpur, P.S. Jamalpur, District - Munger.

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner-cum-Principal Secretary, Health and Medical Education, Govt. of Bihar, New Secretariat, Patna.
2. Deputy Secretary Health and Medical Education, Govt. of Bihar, New Secretariat, Patna.
3. The Director, Desi Chikitsa (Indigenous System) of Medicine-cum-Homeopathy, Department of Health, Govt. of Bihar, Patna.
4. The Deputy Director, Desi Chikitsa (Indigenous System) of Medicine-cum-Homeopathy, Department of Health, Govt. of Bihar, Patna.
5. Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur (Bihar) through its Registrar, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.
6. Vice Chancellor, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur (Bihar).
7. Registrar, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur (Bihar).
8. The District Officer (District Magistrate), Munger.
9. Anant Kumar Satyarthi, Member of Legislative Assembly, Munger Constituency, Being as People Representative , member cum President of the then Adhoc Committee of the Temple of Hahnemann Homeopathic Medical College AND Hospital, Munger.
10. Dr. Motichand Chaudhary, Principal, Mangla Kamal Homeopathic Medical College Siwan, as University Representative, Secretary of the then Adhoc Committee of the Temple of Hahnemann Homeopathic Medical College AND Hospital, Munger.
11. Bihar State Board of Homeopathic Medicine Patna through it's Chariman, Anugrah Narain Road, Kadam Kuan, Patna, Bihar.
12. The Registrar, Bihar State Board of Homeopathic Medicine Patna, Anugarh Narain Road, Kadam Kuan, Patna, Bihar.
13. Saryug Kumar S/o Sri Narayan Prasad r/o Hazisuzan P.S. Muffasil, District - Munger.
14. Dr. B.N. Poddar, the then Principal of Shankar Homeopathic Medical College and Hospital Mahna Barauni, Begusarai at present in the Temple of Hahnemann Homeopathic Medical College AND Hospital, Munger.
15. Central Council of Homeopathy through it's Secretary, Jawaharlal Nehru Bhartiya Chikitsa Avum Homeopathic Anusandhan Bhavan No. 61-65 Vth and VIth Floor, Opp. 'D' Block, Institutional Area, Janakpuri, New Delhi - 110058.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Dinesh Kumar Gupta

For the Respondent State: Mr. Manoj Kumar, AC to GA10

For Respondent Nos.11&12: Mr. Pravin Kumar Sinha
For Respondent No. 13 : Mr. Syed Mohammad Shabbir Alam
For Respondent No. 14 : Mr. Deepak Kumar Singh
For Respondent No. 15 : Mr. Kumar Chandra Shekhar

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 13-07-2016

Private Respondent Nos.13 & 14 are restrained from performing any kind of duty either as Incharge or Principal of the College in question.

The Principal Secretary, Health, Government of Bihar, will direct that the District Magistrate, Munger shall hold the office of the College as the nodal head for the time being till further orders.

Since it is an institution which is privately managed but aided and the funds are being misused and wasted in litigation the above order has been passed. The assets and funds of the College cannot be allowed to be squandered in the meantime.

The petitioner as well as the private respondent Nos.13 and 14 shall approach the civil court of competent jurisdiction for appropriate declaration in their favour. Nobody will officiate as Incharge Principal till such declaration is obtained or made by the civil court.

The parties are free to get an appropriate order from the civil court even with regard to appointment of a receiver if they want.

D G, Vigilance is directed to look into the Vigilance Case

No.46 of 2015 since chargesheet has already been submitted against respondent No.13 and expedite its trial and take it to its logical end unless Respondent No.13 succeeds in obtaining any kind of order against his prosecution and filing of chargesheet.

Writ application stands dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	14/07/2016
Transmission Date	