

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3277 of 2017

=====

1. Surjeet Kumar on of Rajendra Prasad Singh, Proprietor and Director of Madhuri Health Care Hospital Private Limited near Jaldhari Chowk, Madhubani, District-Madhubani, Resident of Village-Sambhuar, P.O. Sambhuar, P.S. Madhubani District-Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Bihar, Patna
2. Principal Secretary, Department, of Health and Family Welfare, Govt. of Bihar, patna.
3. Executive Director State Health Comittee, Bihar, Patna.
4. Zila Padadhikari Cum-Chairaman Rashtriya Swasth Bima Yojana, Madhubani.
5. Civil Surgeon, Madhubani, Bihar.
6. The Additional Chief Medical Officer, Cum A.D.K.M. Madhubani
7. State Head M.D. India Health Care Services (T.P.A.). Patna.
8. I.C.I.C.I. Lombard General Insurance Co. Ltd. Zenith House, 2nd Floor, Keshavrao Khadya Marg, Mahalaxmi, Mumbai. 400034.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Sinha

For the Respondent/s : Mr. Ajay Behari Sinha- GA-8

Mr. Neeraj Raj, A.C. to G.A.-8

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

6 21-11-2017 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner seeks restoration of his licence bearing Registration No. 2 of 2015, namely, Madhuri Health Care Hospital, Madhubani Pvt. Ltd. near Jaldhari Chowk, Madhubani which has been illegally cancelled by the Civil Surgeon, Madhubani without affording the petitioner an opportunity of hearing.



Having heard learned counsel for the petitioner and learned counsel appearing on behalf of the State and on perusal of the supplementary counter affidavit filed by the State, it appears that the petitioner was not afforded an opportunity to show-cause and without following the principle of *audi alteram partem*, the petitioner's registration has been cancelled which is wholly illegal.

A query has been made by this Court on the earlier occasion and it appears from paragraph No. 3 of the supplementary counter affidavit dated 06.11.2017 that apparently the petitioner's hospital had not been granted any opportunity of hearing and no show-cause notice was issued.

Thus, this court is left with no alternative, but to quash the impugned order as contained in Annexure-II vide Memo No. 1507 dated 25.04.2016.

The Registration of the petitioner's hospital being Madhuri Health Care Hospital, Madhubani Pvt. Ltd. stands restored.

The writ application is allowed.

No costs.

(Anjana Mishra, J)

Saif/-

U			
---	--	--	--

