

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17071 of 2017

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A I H E Anm School, Jamsaut, R.K Puram Road, (Mathiyapur More)
Danapur, Patna through its Director (Academic) namely Kaushal Kumar, aged
about 46 years, Son of Dr. Harish Chandra Giri, Resident of 21 B, Patliputra,
P.O. + P.S.- Patliputra, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health,
Govt. of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Department of Health, Govt. of Bihar, New
Secretariat, Patna.
3. The Director In-Chief (Nursing) Health Services, Department of Health,
Govt. of Bihar, New Secretariat, Patna.
4. Bihar Nurses Registration Council through its Registrar, P.H.E.D., Bhawan,
1st Floor, Bailey Road, Patna- 15.
5. The Registrar, Bihar Nurses Registration Council, P.H.E.D. Bhawan, 1st
Floor, Bailey Road, Patna- 15.
6. The Director In-Chief-cum-Chairman, Bihar Nurses Registration Council
P.H.E.D. Bhawan, 1st Floor, Bailey Road, Patna- 15.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. P. K. Shahi, Sr. Adv. Mr. Arun Kumar
For the State	:	Mr. AC to AAG 9
For the BNRC	:	Mr. Prabhat Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 08-12-2017 Heard learned Senior Counsel, appearing on behalf of the

petitioner, learned Counsel appearing on behalf of the State

respondents and learned Counsel appearing on behalf of the

Bihar Nurses Registration Council.

Aggrieved by an order, dated 30.08.2016, passed by the

Director-in-Chief (Nursing), Health Services, Department of

Health, Bihar, Patna, the petitioner has approached this Court.

By the said order, the Director-in-Chief (Nursing) has rejected



an application filed by the petitioner-Institution for grant of recognition on the ground that the Institution did not respond to a letter, dated 15.07.2016, whereby the petitioner-Institution was asked to remove certain deficiencies, which were earlier pointed out.

The petitioner is a nursing school and this writ application has been filed through its Director.

The deficiencies, which were pointed out in the letter, dated 15.07.2016, related to non-availability of hostel building and the fact that the building in which the hostel of the Institution was being run, was taken on lease, but not through a registered deed.

This is not in dispute that the petitioner did not respond to the said communication, dated 15.07.2016. After passing of the impugned order, dated 30.08.2016, the petitioner has filed a detailed representation to the Principal Secretary, Department of Health, Government of Patna and the Director-in-Chief (Nursing), Health Services, on 27.09.2016, stating therein that it was because of oversight that the deficiencies, as pointed out in the letter, dated 15.07.2016, were communicated to the petitioner. As a matter of fact, those deficiencies had already been removed and the documents, in support thereof, were



already available in the concerned file with the inspection report.

There being no dispute that the petitioner did not respond to the said communication, dated 15.07.2016, leading to passing of the order, dated 30.08.2016, the said order need not be interfered with.

However, in view of the specific stand taken on behalf of the petitioner, as noted above, I dispose of the writ application with a direction to the Director-in-Chief (Nursing), Health Services, Department of Health, Bihar, Patna, to reconsider the petitioner's case for grant of recommendation in the light of the communication, said to have been made on 27.09.2016. A decision thereon must be taken within a period of three months from the date of receipt/production of a copy of this order.

This writ application stands disposed of.

(Chakradhari Sharan Singh, J)

Prabhakar Anand/-

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