

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1543 of 2016

IN

Civil Writ Jurisdiction Case No. 15736 of 2014

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Dr. Saryug Kumar, S/o Late Narayan Prasad, R/o Bhagat Singh Chouk, P.S.-
Kotwali, District - Munger.

.... Appellant/s

Versus

1. The State of Bihar through the Commissioner-cum-Principal Secretary, Health and Medical Education, Govt. of Bihar, New Secretariat, Patna.
2. The 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 & 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 & Hospital, Munger.
11. Bihar State Board of Homeopathic Medicine Patna through its Chariman, Anugrah Narain Road, Kadam Kuan, Patna, Bihar.
12. The Registrar, Bihar State Board of Homeopathic Medicine Patna, Anugrah Narain Road, Kadam Kuan, Patna, Bihar.
13. Dr. Arun Kumar, S/o Late Hira Lal, resident of Mohalla - Keshopur, Post Office - Jamalpur, P.S. Jamalpur, District - Munger, In-Charge-Principal cum Professor-in-Charge, The Temple of Hahnemann Homeopathic Medical College & Hospital, 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 & Hospital, Munger.
15. Central Council of Homeopathy through its 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

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Appearance :

For the Appellant/s : Mr. Sanjay Sinha, Advocate
For the Respondent/s : Smt. Nivedita Nirvikar, GA-7

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 26-07-2017

Seeking exception to an order dated 13.07.2016 passed by the Writ Court in Civil Writ Jurisdiction Case No.15736 of 2014 this appeal has been filed under Clause 10 of the Letters Patent.

The appellant herein was respondent No.13 in the said writ petition and finding there to be misuse and wastage of funds by the College in question, the learned Writ Court has issued a direction to the District Magistrate to take over the functioning of the School and take such steps as are necessary for constituting the appropriate Managing Committee. The entire action has been taken in view of the Vigilance case pending against the present appellant and the fact of his misuse of fund in the management of the institute in question. *Inter alia* contending that the institute is a private institute and, therefore, the learned Writ Court could not have issued any such order, this appeal is filed. However, we find that the learned Writ Court has taken note of the fact that certain funds were provided to the institute. It is affiliated to a statutory body and as it is discharging public function in the matter of imparting education on the basis of affiliation granted by



the University, the impugned action has been taken. As the impugned action has been taken after evaluating various important aspects of the matter in public interest, we see no reason to make any indulgence in the matter. The appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.07.2017
Transmission Date	

