

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5816 of 2015

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1. Dr. Rameshwar Singh son of Late Faujdar, Singh resident of LIG 10/360 Hanuman Nagar, Kankarbag, P.S. Kankarbag. District- Patna, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar , through Chief Secretary, Government of Bihar.
2. The Chief Secretary, Government of Bihar, Old Secretariat, Patna.
3. The Principal Secretary, Health , Government of Bihar, New Secretariat, Patna
4. The Secretary, Health & Indigenous Medicine, Government of Bihar, New Secretariat, Patna
5. The Joint Secretary , Health , Government of Bihar, New Secretariat, Patna
6. The Deputy Secretary, Health & Indigenous Medicine, Government of Bihar, New Secretariat, Patna
7. The Director, Indigenous Medicine , Health , Government of Bihar, New Secretariat, Patna
8. The Union Of India, through Ministry Of Health & Family Welfare, Department of Aayush , New Delhi- 110001.
9. The Central Council of Indian Medicine , through its secretary, 65-66 Institutional Area, Janakpuri, New Delhi- 110058

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anirudh Kumar Singh, Advocate
For U.O.I.	:	Mr. S.D. Sanjay (Addl. S.G.)
		Mrs. Punam Kumari Singh (CGC)
For the State of Bihar		Mr. Niraj Kumar, AC to GA-10

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 14-07-2017

Seeking a direction to the Government to convert Government Ayurvedic College, Kadamkuan, Patna to an All India Institute of Ayurved Science and a mandamus be issued to the State Government and the Union of India in this regard, this writ petition has been filed. The matter is pending. Counter affidavits have been



filed by the respondents and during the course of hearing, it was indicated that this is a policy matter and the decision has to be taken on the basis of recommendations to be made by the Planning Commission, now known as “Neeti Ayog”. Learned counsel representing the Union of India on the previous occasion submitted that the matter is pending before the Neeti Ayog in question and a decision is yet to be taken. The matter was adjourned from time to time to enable the Neeti Ayog to take a decision. We are informed today that Neeti Ayog, after examining the documents and assessing the performance, has not recommended for upgradation of the College and, therefore, once the Neeti Ayog has not made any favourable recommendation, it is stated that no action can be taken by the Government of India.

In the counter affidavit filed by the respondent No.8 in the supplementary affidavit on 6.4.2017 it is indicated that the Ayog has given its recommendation vide Annexure A and has indicated for granting adequate fund which has been granted as is indicated in Annexure A and the recommendation is that no case is made out for upgradation of the existing State Government Institute to the level of an All India Institute of Ayurved Science. The question as to whether a State Government Institute is to be upgraded to an All India Institute is a question of policy based on various considerations,



executive and administrative, and the decision is to be taken by the executive authorities in the matter of executing their policy and as they are not governed by a constitutional provision, this Court cannot issue a mandamus in the matter. The only limited jurisdiction available to this Court is to issue a direction to the competent authority to consider the matter and this having been done and for reasons indicated in the supplementary affidavit and Annexure A at page 278 of the record, once a decision has been taken by the Ayog, this Court cannot sit in appeal over the decision of the Expert Body like Neeti Ayog and issue any direction.

Accordingly, in the light of the aforesaid, no case is made out for issuance of a mandamus. Granting liberty to the petitioner to take up the issue with the authorities of the State and Union of India, this application is disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	21.7.2017
Transmission Date	N/A

