

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.628 of 2015

In
Civil Writ Jurisdiction Case No. 5663 of 2014

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1. R. B. Chandra Medical Research & Nursing Institution (A. N. M. School), Jamui, Bihar through Petitioner No. 2.
2. Takshashila Gayanoday Trust, Jamui, Bihar through it's president Balmiki Singh. Son of Late Ramswaroop Singh. Resident of Village + P.O.-Numar, P.S.- Barhat, District - Jamui.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mr. Brajesh Mehrotra, the Principal Secretary, Health Department, Bihar, Patna.
3. Mr. R.D. Ranjan, the Director-in-chief Health Service, Health Department, Bihar, Patna.
4. Mr. K.K. Singh, the Director Health Department, Bihar, Patna.
5. Mr. Madhurenra Kishore, the Deputy Director, Health Department Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha
For the Respondent/s : Mr. Anil Kumar

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 29-08-2017 Heard the parties.

In this case, the petitioners are making prayer for initiation of contempt against the opposite parties on account of violating the order dated 24.04.2014 passed in C.W.J.C. No. 5663 of 2014.

This Court had disposed of the writ petition in the following manner:-

“This writ application is , accordingly, disposed of with a direction to the Director-in-Chief, Health Services, Bihar, Patna to consider application of petitioners in the light of the said order of the Division Bench, and any other order of



this Court which may be applicable in this case, within two months from the date of receipt/production of a copy of this order.”

As per the learned counsel for the petitioner earlier the Four Men Committee constituted, the Committee submitted the report in favour of the petitioners, but later on, Two Men Committee was constituted and inspected by only one person and on that basis the Council refused to grant the approval for running the Nursing Institute.

He further submits that it is not in terms of the law as in the order it has been provided that the case of the petitioners has to be considered in the light of the order passed by the Division Bench of this Court in L.P.A. No. 202 of 2013 and other connected writ applications. He has further submitted that the petitioners fulfill all the condition, but action of refusing to grant the approval to run the Nursing Institute is *per se* illegal.

The learned counsel for the State submits that the authority has one way or the other disposed of case of the petitioners and did not find merit therein and in the present proceeding the petitioners are challenging the merit of the order, in such view of the matter, no contempt is made out.

This Court finds that the authority has taken a decision adverse to the petitioners and rejected the claim of the



petitioners. The petitioners, if so advised, may challenge the order of the authority in a writ proceeding. However, the petitioners may file fresh application before the authority concerned for recognition. If such an application is filed, it goes without saying that authority shall take decision in accordance with law.

In view of the aforesaid observations and directions, this application is disposed of.

(Shivaji Pandey, J)

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