

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20158 of 2016

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Lord Buddha Koshi Medical College & Hospital, Baijnathpur,
Saharsa- 852201 through its Chairman, Dr. Prabhas Kumar Singh,
S/o Late Shashi Bhushan Singh, R/o P.K. Hospital, New Colony,
Saharsa, Bihar.

.... Petitioner/s

Versus

1. The Medical Council of India, through its Secretary, Sector-8,
Pocket-14, Dwarika Phase-1, New Delhi-110077.
2. The State of Bihar through Chief Secretary, Bihar, Patna.
3. The State of Bihar through the Principal Secretary, Department
of Health, Government of Bihar, Patna.
4. The Union of India, through its Secretary, Ministry of Health &
Family Welfare, Department of Health & Family Welfare, Govt. of
India, Nirman Bhawan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh, Adv.

Mr. Amit Pandey, Adv.

For the State : Mr. N.P. Yadav, SC-23

Mr. Sudhir Kumar Singh, AC to SC-23

For the MCI : Mr. Kumar Brijnandan, Adv.

For the Union of India : Mrs. Dr. Punam Kumari Singh, Adv.

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

ORAL JUDGMENT & ORDER



Date: 25-04-2017

The present writ application, under Article 226 of the Constitution of India, has been filed seeking quashing of an order, dated 30.11.2016, passed by the Principal Secretary, Department of Health, Govt. of Bihar, Patna, which has been brought on record by way of Annexure-1 to this writ application.

2. Heard the parties.

3. From the impugned order, dated 30.11.2016, it appears that the said order has been passed in the light of certain judgments and orders of this Court, passed in CWJC No. 15011 of 2016 (Kundan and Ors. Vs. The State of Bihar & Ors.), CWJC No. 17306 of 2016 (Nazia Farrukh & Ors. Vs. The State of Bihar & Ors.) and CWJC No. 17517 of 2016 (Vishwas Tripathi & Ors. Vs. The State of Bihar & Ors.). The judgments and orders, passed by this Court, have been brought on record by way of Annexures-5 and 7 to the writ application. The date of judgment and order, disposing CWJC No. 15011 of 2016, is 06.10.2016.

4. It further transpires that the petitioner has preferred two Letters Patent Appeals against the judgments and orders of this Court, as indicated above, registered as LPA No. 2053 of 2016 and LPA No. 515 of 2017. It also



appears that the State Government of Bihar has also filed an Appeal, under Letters Patent of this Court, registered as LPA No. 2348 of 2016.

5. By the impugned order, dated 30.11.2016, the State Government of Bihar has withdrawn the Essentiality Certificated granted to Lord Buddha Koshi Medical College & Hospital, Saharsa (the petitioner), which was earlier granted to the said College. In the last paragraph of the order impugned, I find that the Principal Secretary, Department of Health, Govt. of Bihar, Patna, has specifically mentioned that the said decision of the State Government shall abide by any decision of this Court to be taken in the Letters Patent Appeal, preferred against the judgment and order, dated 06.10.2016, passed in CWJC No. 15011 of 2016.

6. The Letters Patent Appeal is still pending, as has been informed at the Bar. In such situation, no positive order, as sought in the present application, need be passed, there being specific stipulation in the said order that the State Government decision shall abide by the Division Bench decision of this Court in the Letters Patent Appeal, preferred against the judgment and order, dated 06.10.2016, passed in CWJC No. 15011 of 2016.



7. This application stands disposed of with the observation as above.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	28.04.2017
Transmission Date	

