

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14520 of 2017

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1. R. B. Chandra Medical Research & Nursing Institution (A.N.M. School) Jamui, Bihar through Petitioner No. 2.
 2. Takshshila Gyanoday Trust, Jamui, Bihar through it's President Namely Balmiki Singh, S/o Late Ramswaroop Singh, Village+ P.O.- Numar, P.S.- Barhat, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Department of Health, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Health, Govt. of Bihar, Patna.
3. The Director-in- Chief, Health Services Department, Government of Bihar, Patna.
4. The Director, Department of Health, Govt. of Bihar, Patna.
5. The Deputy Director, Department of Health, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh with Mr. Rajesh Kr. Sinha, Advocates
For the Respondent/s	:	Mr. MUJTABUL HAQUE -GP12 with Mr. Mritunjay Kumar, AC to GP-12

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 18-01-2018 Heard learned counsel for the parties.

2. The dispute involved in the present case is covered by decision of this Court rendered on 11.01.2018, in ***CWJC No. 18351 of 2016 (Dr. Shyam Bahadur Singh Vs. State of Bihar and ors)***. There is only one distinguishing fact inasmuch as whereas the institution in case of ***Dr. Shyam Bahadur Singh Vs. State of Bihar and ors*** (supra), was having affiliation earlier and the question was of grant of extension of affiliation/withdrawal of affiliation, interpreting provisions of Rule 4 (III) (Ga) of the Nurses Training Recognition, Affiliation and Conduct of Examinations of School of Nursing Rules, 1997 (in short '***the Rules***'), this Court had held the inspection of the institution conducted by a team



consisting of two members to be contrary to the said provisions in the present case no affiliation was granted in favour of the institution in question in the present case.

3. In my view, reasoning assigned in the said judgment while interpreting Rule 4(III) (Ga) of the Rules applies in the present case with full force. In this case also inspection has been down by a team of two members constituted under the orders of the Director-in-Chief (Nursing), Health Services, Government of Bihar. The impugned decision to reject the request for grant of recognition of the concerned A.N.M Training School, namely, *R.B. Chandra Medical Research and Nursing Institution*, Jamui is based on report submitted by an illegally constituted inspecting team. Since the decision is based on such report, it cannot be sustained. The impugned order, dated 18.10.2016, is, accordingly, quashed.

4. This application is disposed of in terms of this Court's decision in case of ***Dr. Shyam Bahadur Singh Vs. State of Bihar and ors*** (supra).

5. Accordingly, the directions contained in paragraphs 18, 19 and 20 of the said decision, which read thus:-

“18. This application is disposed of with following direction to the Director-in-Chief (Nursing), Health Services, Government of Bihar, Patna:-

(i) To constitute an inspecting team, strictly in accordance with Rule 4 -III-(Ga) of the Rules, within a period of one (1) month from the date of receipt/production of a copy of this order, for the purpose of inspection of the institution, in question, and get the institution inspected within a period of one (1) month thereafter; and

(ii) Based on the inspection, the inspecting team will be required to submit its report within a period of one (1) week from the date of inspection, so conducted.

19. The Director-in-Chief (Nursing),



Health Services, Government of Bihar, Patna, shall be required to ensure that a decision is taken, strictly in accordance with the provisions of the Rules, based on the report of the said inspecting team, on the question of grant of extension of recognition of the institution in question.

20. If the Inspecting team points out any deficiency (ies), the Director-in-Chief (Nursing), Health Services, Government of Bihar, Patna, shall inform the institution and if permissible, allow the institution to remove such deficiency(ies) within a reasonable period.”

shall govern the petitioner’s case also.

6. This application is allowed.

(Chakradhari Sharan Singh, J)

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