

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.789 of 2018

In
Civil Writ Jurisdiction Case No.15992 of 2017

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Magadh Homeopathy Medical College And Hospital Bihar Sharif Nalanda
Through Its Principal Dr. Uttam Kumar Jawahar. Son of Late Dr. B.P.
Jawahar. Resident of Mohalla-Khandakpur P.S. Bihar Sharif District-
Nalanda.

... .. Appellant/s

Versus

1. The Union of India through the Secretary Ministry of Ayush, Ayush Bhawan B, Block, G.P.O. Complex INA, New Dalhi.
2. The Secretary Ministry of Ayush Bhawan B, Block G.P.O. Complex, INA New Delhi 23.
3. The State of Bihar through its Principal Secretary Department of Health and Family Welfare Vikash Bhawan, New Secretariate Patna.
4. The Director Indigenous Medicine, Health Department Govt. of Bihar, Patna.
5. The Secretary Central Council of Homeopathy 61-65 Institutional Area Opposite D. Block, Janak Puri Delhi 10058.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Nand Kishore Prasad Sinha, Advocate
For the State	:	Mr. S.D.Yadav -AAG9
For the Respondents	:	Mr. S. D. Sanjay, Addl. S.G. Mr. Ravindra Kumar Sharma, CGC Mr. Ashok Kumar Sinha, Sr. Advocate Mr. Prashant Kashyap, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 07-09-2018 The present Letters Patent Appeal has been preferred by the appellant against the judgement and order dated 02.05.2018, passed by the Learned Single Judge in C.W.J.C. No. 15992 of 2017, by which, relying upon the decision of the Division Bench of this Court in the case of *Union of India & Ors. Vrs. Dr. R. B. Singh, Gaya Homeopathic Medical College*



and Hospital & Ors., dated 13.03.2018, passed in L.P.A. No. 1610 of 2017 and other analogous cases, the Learned Single Judge dismissed the same petition.

We have heard learned counsel appearing for the respective parties at length.

The decision rendered by the Division Bench of this Court in the case of *Union of India & Ors. Vrs. Dr. R. B. Singh, Gaya Homeopathic Medical College and Hospital & Ors.* (supra) upon which the reliance has been placed by the Learned Single Judge has been set aside by the Hon'ble Supreme Court and, therefore, the decision in the case of *Union of India & Ors. Vrs. Dr. R. B. Singh, Gaya Homeopathic Medical College and Hospital & Ors.* (supra) is not a good law and as such, the matter is required to be remanded to the Learned Single Judge.

However, considering the fact that the application for recognition was for the academic year 2017-18 and, therefore, no fruitful purpose would be served in remanding the matter to the Learned Single Judge for fresh consideration. The application for academic session 2017-18 as such now is academic only due to efflux of time.

Therefore, now the appellant-writ petitioner is required to submit a fresh application for the academic session



2018-19 and the same is required to be considered now as per the decision of the Learned Single Judge, confirmed by the Hon'ble Supreme Court in the case of *Union of India & Ors. Vrs. Dr. R. B. Singh, Gaya Homeopathic Medical College and Hospital & Ors.* (supra). As and when such application is filed, the same shall be considered in accordance with law and on merits, in case all other conditions/criterion are satisfied.

With the aforesaid observation, the Letters Patent Appeal stands disposed off.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

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