IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11769 of 2017

==========

Ram Pratap Institute Of Nursing Sciences, Rukanpura, Bailey Road, Patna Shifted to Pethiya Bazar, Opposite Durga Asthan, Phulwari Sharif, District-Patna through its Secretary Shatish Kumar, aged about 45 Years, Son of Awadhesh Kumar Singh, Resident of Village- Karorachak, P.O. + P.S.- Phulwarisharif, District- Patna.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Govt. of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Department of Health, Govt. of Bihar, New Secretariat, Patna.
3. The Director In-Chief, Health Services, Department of Health, Govt. of Bihar, New Secretariat, Patna.
4. Bihar Nurses Registration Council through its Registrar, P.H.E.D. Bhawan, 1st Floor, Bailey Road, Patna- 15. null null
5. The Registrar, Bihar Nurses Registration Council P.H.E.D. Bhawan, 1st Floor, Bailey Road, Patna- 15.
6. The Director In-Chief-cum-Chairman, Bihar Nurses Registration Council P.H.E.D. Bhawan, 1st Floor, Bailey Road, Patna- 15.
7. Indian Nursing Council, Combined Councils Building, Kotla Road, Temple Lane, New Delhi- 110002 through its Secretary.
8. The Secretary, Indian Nursing Council, Combined Councils Building, Kotla Road, Temple Lane, New Delhi- 110002.
9. The President, Indian Nursing Council, Combined Councils Building, Kotla Road, Temple Lane, New Delhi- 110002.

... ... Respondent/s

==========

Appearance :
For the Petitioner/s : Mr. Arun Kumar
For the Respondent/s : Mr. Ajay Bihari Sinha

==========

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 30-07-2018 Heard learned counsel for the parties.

Mr. Ajay Bihari Sinha, learned counsel appearing on behalf of the State, does not dispute the claim of the petitioner, that his grievance is squarely covered by this Court's decision in case of ***Dr. Shyam Bahadur Singh Vs. The State of Bihar and***

WEB COPY

Others (CWJC No. 18351 of 2016) dated 11.01.2018. Thus, there being no dispute over the fact that the constitution of the Committee whose report is the basis for issuance of the impugned order, dated 09.02.2017, itself was not valid, the said impugned order, dated 09.02.2017, cannot be sustained.

Accordingly, the order, dated 09.02.2017 (Annexure-1), issued under the signature of the Director-in-Chief (Nursing), Health Services, Government of Bihar, is, hereby, set aside in the light of this Court's decision in case of ***Dr. Shaym Bahadur Singh*** (supra) with the following direction in paragraph 18 :-

> *"(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."*

This application is, accordingly, allowed.

(Chakradhari Sharan Singh, J)

Ashish/-

U	√		

WEB COPY