

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1550 of 2017

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Magadh A. N. M. Training School, Kautilya Nagar, A. G. Colony, Sheikhpura, Patna now shifted to Anjanpur Colony, B.P.C.L., 70 feet road, New Bypass, Patna, District- Patna through its Secretary Nawal Kishore Singh, aged about 42 years, son of Shri Sukh Lal Prasad, Resident of Village- Gulhi, P.O.- Bokilapar, P.S.- Hilsa, District- Nalanda.

... .. 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, Ist Floor, Bailey Road, Patna-15.
5. The Registrar, Bihar Nurses Registration Council, P.H.E.D. Bhawan, Ist Floor, Bailey Road, Patna-15.
6. The Director-in-Chief-cum-Chairman, Bihar Nurses Registration Council, P.H.E.D. Bhawan, Ist 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

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar
For the Respondent/s	:	Mr. S.D. YADAV- AAG-IV
		Mrs. Shama Sinha, AC to AAG-IV
For the Council	:	Mr. Prabhat Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 17-01-2018 Heard learned counsel for the parties.

2. The petitioner seeks quashing of the order as contained in Memo No. 993 (6) dated 25th of October, 2016, issued under the signature of the Director-in-Chief (Nursing) Health Services, Bihar, Patna, whereby the recognition as granted to the



petitioner-Institution for conducting ANM Course has been rejected with immediate effect on the ground of certain deficiencies found during the course of surprise inspection. The said surprise inspection was conducted by a two member team constituted on 01.03.2016 by the Directorate of Health, Government of Bihar.

2. This is not in dispute that the main points, which are involved in the present case were involved in case of ***Dr. Shyam Bahadur Singh vs. State of Bihar and ors*** (CWJC No. 18351 of 2016), which has been decided on ***11.01.2018***. This is also not in dispute that the case of the petitioner in the present proceeding is squarely covered by this Court's decision in case of ***Dr. Shyam Bahadur Singh vs. State of Bihar and ors*** (supra).

3. Following the said decision, the impugned order, dated 25.10.2016 as contained in Memo No. 993 (6) (Annexure-1) is, hereby, quashed. All actions taken in pursuance to the said order, dated 25.10.2016 also declared to be illegal and are set aside.

4. Following directions were issued in case of ***Dr. Shyam Bahadur Singh vs. State of Bihar and ors*** (supra), in paragraphs 18, 19 and 20:-



“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.”

5. The said directions shall govern the petitioner's case also.
6. This application is allowed accordingly.

(Chakradhari Sharan Singh, J)

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