

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.997 of 2018

In

Civil Writ Jurisdiction Case No.15027 of 2016

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1. Dr. Sunil Kumar Jha, Son of Sri Vinod Jha Resident of Mohalla- Gharhara, Post Office Gharhara, Police Station- Suppi, District- Sitamarhi, At Present Resident of Village- Marhan Khurd, Police Station- Karja, District- Muzaffarpur(Bihar).
 2. Dr. Rajeev Ranjan, Son of Sri Shatrughan Prasad Sinha, Resident of Mohalla- Susta, Police Station- Sadar, District- Muzaffarpur, At Present resident of Village- Marhan Khurd, Police Station- Karja, District- Muzaffarpur(Bihar).

... .. Appellant/s

Versus

1. The State of Bihar.
2. The Secretary Cum Health Commissioner, Government of Bihar, New Secretariat, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sunil Kumar Pathak, Advocate
Mr. Mani Bhushan Kumar, Advocate
For the Respondent/s : Mr. S.D.Yadav -AAG-9

**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)**

Date : 26-11-2018

I.A. No. 6042 of 2018

Heard Shri Sunil Kumar Pathak, learned counsel for



the appellants and Shri S.D. Yadav, learned counsel for the State.

2. The appeal is stated to be beyond time by 104 days.

3. Having considered the submissions raised, we find that sufficient cause has been shown to condone the delay. The delay is condoned and the appeal shall be treated to be within time.

4. I.A. No. 6042 of 2018 stands allowed accordingly.

Re: L.P.A. No. 997 of 2018

The appeal questions the correctness of the judgment of the learned Single Judge dated 7th March, 2018, whereby the appellants who claim to be practitioners of alternative system of medicine having obtained the certificates from the Indian Board of Alternative Medicine, Calcutta urge that they are entitled to practice medicine and seek registration under the Bihar Medical Council Act, 1933.

2. The learned Single Judge after having elaborately discussed the entire law and the issues raised came to the conclusion that this would amount to calling upon the State to issue a certificate which otherwise is impermissible under the Act and Rules. In essence, it is only Legislation which can bring about any such change. A writ would not lie for issuing a



direction to the State Government to legislate on this subject.

3. Consequently, there is no such fundamental right violated, as complained of by the appellants, so as to warrant any interference. There is no case made out. The appeal stands dismissed accordingly.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

P.K.P./-R.S.Sen

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CAV DATE	
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