

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18046 of 2017**

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Shwami Vivekanand Medical College and Hospital at Madhav Billa,  
Simurtalala District-Jamui, through its Secretary, Kalyan Seva Sansthan  
I.D.H. Colony East of N.M.C.H., Hospital, Gulzarbagh, Patna-800007 Bihar.  
... .. Petitioner/s

Versus

1. The Union of India through Secretary, Ministry of Ayurveda Yoga and Naturopathy Unami Siddha and Homeopathy (AYUSH), B Block, GPO Complex, INA, New Delhi-110023.
2. The Under Secretary, Ministry of Ayurveda Yoga and Naturopathy Unami Siddha and Homeopathy (AYUSH), B Block, GPO Complex, INA, New Delhi-110023.
3. The Secretary, Central Council of India, Medicine 61-65, Institutional Area, Janakpuri, New Delhi 1
4. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
5. The Principal Secretary, Health Department, Government of Bihar, Patna.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Dr. Anand Kumar, Adv.     |
| For the Respondent/s | : | Mr. Pankaj Kumar -SC-12       |
| For the UOI          | : | Ms. Kanak Verma, C.G.C.       |
| For the State        | : | Mr. Sudama Kumar, AC to SC-12 |

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

3      30-08-2019                      Heard, Dr. Anand Kumar, learned counsel for the petitioner and Mr. Janardan Prasad Singh, learned Senior counsel appearing on behalf of the Central Council of Medicine assisted by Mr. Dipak Kumar and Ms. Kanak Verma, learned counsel appearing on behalf of Union of India and Mr. Sudama Kumar, learned counsel appearing on behalf of State.

Having regard to the fact that the academic session for which the petitioner institution has filed present application has expired, the proper course would be that the petitioner may file



fresh application before the respondents in connection with grant of permission to run Ayurved College. The respondent authorities i.e. the Ministry of Ayurveda Yoga & Naturopathy Unani Siddha and Homeopathy, Central Council of Unani Medicine and the State of Bihar are required to consider afresh the application for grant of permission to start such course on filing application in appropriate format and on deposit of requisite fees. The concerned respondents shall carry inspection after completing all the formalities and consider the case for grant of permission on fulfillment of the condition. The concerned respondents shall take appropriate decision at the earliest, in any event before start of the next academic session.

The respondent authorities shall not be prejudiced by the previous inspection report for grant of permission. They have to take decision objectively on the basis of fresh inspection report.

With the aforesaid, the present writ application stands disposed of.

**(Anil Kumar Upadhyay, J)**

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