

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18038 of 2014

1. Rakesh Kumar Ram, Son of Sri Ramkawal Ram, resident of AT and PO- Mirganj, P.S.- Mirganj, District- Gopalganj, Consultant Mirganj Eye Hospital Mirganj, Hathua Road, Mirganj, Near Gandak Office, District- Gopalganj
2. Sushil Kumar Singh, son of Vijay Kumar Singh, resident of At and PO- Koini, P.S. and District- Gopalganj, Director, Nayansukh Netralay, College Road, Near Chirai Ghar, Gopalganj
3. Mithileshwar Kumar Trivedi, son of Late Rampujasn Trivedi, resident of Village and PO- Safiyabad, P.S.- Baikunthpur, District- Gopalganj, Director Gopalganj Eye Hospital, College Road, Near Petrol Pump, Gopalganj
4. Subhash Tiwari, son of late Chandrika Tiwari, resident of village and PO- Brahina More P.S.- Sidhvalia, District- Gopalganj, Director Rajendra Popular Nursing Home, At and PO Brahina More, Gopalganj
5. Rajesh Kumar, S/o Indrasan Barnwal, resident of village and PO- Lamichaur, P.S.- Bhorey, District- Gopalganj, Director Janasewa Hospital, Kamla Rai Arts College Road Near IB, Gopalganj

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Department of Health and Family Welfare, Government of Bihar, Patna
3. The Union of India through the Secretary, Ministry of Health and Family Welfare, Room No. 206D, Nirman Bhawan, New Delhi

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shakti Suman Kumar, Advocate
For the Respondent/s	:	Mr. AC to AG
		Mr. S.D. Sanjay, Addl. S.G.
		Mr. Anshay Bahadur Mathur, CGC

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

15 02-12-2019

Petitioners have prayed for the following reliefs:



“The present writ application is being filed for issuance of an appropriate writ/writs, order or orders in the nature of certiorari/mandamus to declare the Clinical Establishments (Registration and Regulation) Act, 2010 and Bihar Clinical Establishments (Registration and Regulation) Rules, 2013 ultra vires and unconstitutional as the same is contrary to the fundamental rights and directive principle of State so guaranteed by the Constitution of India to the citizens and/or to declare section 1 (3), 2(c), (d) the proviso to Section 2 (e), (h) and (o) are ultra vires contrary to the Article 14 of the Constitution, Section 3, 5, 10, 12, 25 are ultra vires contrary to the Article 19 (1) (g) of the Constitution of India and as much as for quashing of the consequential rule followed by the State of Bihar which has been issued by notification dated 28.11.2013 which is known as Bihar Clinical Establishments (Registration and Regulation) Rules, 2013 which is also contrary to the Articles 14 and 19 (1) (g) of the Constitution of India and further for any other relief or reliefs for which the petitioner is entitled in the facts and circumstances of this case.”

The writ petition is disposed of reserving liberty to the petitioners to file request/representation before the appropriate authority including respondent nos. 2 and 3, when the



respondent shall consider and decide the same within a period of
four months from the date of receipt thereof.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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