

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.534 of 2017

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1. The Director In- Chief, Department of Health, Health Services, Govt. of Bihar and Ors.
 2. The Principal Secretary, Department of Health, Govt. of Bihar, New Secretariat, Patna.
 3. The State of Bihar through the Principal Secretary, Department of Health , Govt. of Bihar, New Secr

... .. Appellant/s

Versus

1. AIHE ANM School, Jamsaut and Ors. son of Late Nathuni Giri, Resident of Vivekanand Marg, P.S.- Sri Krishna Puri, District Patna.
Petitioner- Respondent 1st
2. Bihar, Nurses Registration Council through its Registrar, P.H.E.D. Bhawan, Ist Floor, Bailey Road, Patna-15
3. The Registrar, Bihar Nurses Registration Council, P.H.E.D. Bhawan, Ist Floor, Bailey Road, Patna- 1

... .. Respondent 2nd set

Appearance :

For the Appellant/s : Mr. Ajay Bihar Sinha, G.A.8
For the Respondent/s : Mr. Arun Kumar, Adv.
Mr. Prabhat Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 15-01-2019

Heard Mr. Ajay Bihar Sinha, G.A.8 for the appellants,
Mr. Arun Kumar for the respondent- writ petitioner and Mr.
Prabhat Kumar Singh for the Nursing Council.

The Director in Chief, Health Department, Health
Services is present for assistance.

This intra-court appeal arises from a judgment and order
dated 28.07.2016 passed by a learned Single Judge in C.W.J.C.



No.10597 of 2016 whereby the writ petition has been allowed with direction to the concerned respondent authorities in the State Government to accept the examination fee and form of the students of the respondent Nursing Institution for the Sessions 2013-15 and 2014-16 for obtaining Diploma in Auxiliary Nurse and Midwifery (ANM for the sake of brevity).

The issue which is subject matter of this appeal has travelled long distance and it is noting an order passed in C.W.J.C. No.13556 of 2012 preferred by a number of institutions imparting the said course including the respondent institution in question that this Court vide order passed on 06.12.2018 directed the appellant Director in Chief, Health Department, Health Services to inform whether or not the mandamus so passed in the said writ petition regarding grant of recognition to the institutions who were petitioners in the said writ petition, have been implemented. It is following our orders so passed on 06.12.2018 that an affidavit is filed today on behalf of the appellant-Director in Chief, Department of Health, Health Services, Government of Bihar enclosing two orders dated 11.01.2019 and in reference where to it is sought to be demonstrated that the order so passed by this Court on different writ petitions filed for the purpose of recognition including C.W.J.C. No.13556 of 2012 has been carried out and



recognition granted to the institutions for the period in question including the sessions which was the subject matter of the writ petition bearing C.W.J.C. No.10597 of 2016 from where the present appeal arises.

Mr. Sinha learned counsel for the appellant informs that the institution appearing at Serial No.5 is the respondent herein and has been granted recognition for holding special examination for the period 2012-13, 2013-15, 2014-16, 2015-17 and 2016-18. He further submits that vide order bearing Memo No.1097 dated 23.10.2018 the institution has further been granted recognition for the Sessions 2018-20. We take notice of the order passed by this Court on 12.04.2018 whereby the students were allowed to take examination but the results were to be kept in sealed cover subject to the outcome of the present appeal.

In our opinion, in view of the orders of the Director in Chief enclosed with the affidavit filed today granting recognition to the respondent institution along with several others, the appeal has been rendered academic and since students of the respondent- institution have been allowed to appear in the examination whose result has been made subject to the outcome of the appeal, in our opinion, in view of the recognition so given by



the State Government, there is no impediment in the publication of result of these examinees and which should be done forthwith.

In view of the developments that has taken place and noted above, the appeal has been rendered infructuous and is disposed of accordingly.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Bibhash/-

AFR/NAFR	NAFR
CAV DATE	NA
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