

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11708 of 2019

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M/s Gleen Medicos represented by Madhusudan Kumar, aged about 61 yrs, old S/o Late Rajeshwari Prasad Singh, R/o 3a, Arya Kumar Road, Shri Ram enclave Rajendra Nagar, P.s.- Kadamkua, Distt.- Patna, Premises situated at Raghunath nagar, Jakariyapur, New Bye Pass Road, P.o.- Pahari, P.s.- Ram Krishna Nagar, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Govt. of Bihar, New Secretariat, Patna
2. The State Drug Controller-cum-Chief Licensing Authority New Secretariat, Bihar, Patna
3. The Assistant Drug Controller Drug Control Administration, Patna, 4th, Floor, NMCH, Campus Kankarbagh, Patna-20

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Shankar Das, Advocate
For the Respondent/s : Mr. AC to AAG 9

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-06-2019 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner in the present case is aggrieved by the order dated 24.04.2019 as contained in Memo no. 365 passed by the respondent no. 3 by which the drug license of medicine shop of the petitioner has been placed under suspension for a period of 30 days from the date of receipt of the communication.

Learned counsel for the petitioner submits that the petitioner was having a valid drug license for the period up to 21.04.2021. It is stated that against the impugned order the



petitioner has preferred an appeal before the Appellate Authority in terms of Rule 66 (2) of the Drugs & Cosmetics Act, 1945 read with Rules framed thereunder. It is submitted that the petitioner has also moved for an interim order before the appellate authority but the appellate authority is sitting over the matter and even after mentioning the appeal on 14.05.2019 no order for hearing of the same has been passed. In this regard he has placed before this Court the statement made in paragraph '10' of the writ application.

Learned counsel for the State is present and submits that the writ application may be disposed of with a direction to the appellate authority to consider and dispose of the appeal within a time framed.

Having heard learned counsel for the parties and upon perusal of the record, this Court finds that the petitioner is pursuing his statutory alternative remedy of appeal before the appellate authority. Since the impugned order under appeal has an effect for a period of 30 days only from the date of receipt of the order, the appellate authority should have considered the appeal with some urgency but the same has not been done. It is stated that the copy of the impugned order was received by the petitioner on 11.05.2019, therefore, the appeal itself will become



infructuous on expiry of 30 days i.e. on 10.06.2019.

In the given facts and circumstances of the case, this writ application is being disposed of with a direction to the appellate authority to consider and dispose of the appeal preferred by the petitioner within a period of 30 days from the date of receipt/production of a copy of this order. During the pendency of the appeal the order of suspension for the remaining period shall remain stayed.

(Rajeev Ranjan Prasad, J)

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