

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9091 of 2016

1. Bihar Health Services Association through its General Secretary, Dr. Ranjit Kumar, Situated at Indian Medical Association Building, South Gandhi Maidan, PS Gandhi Maidan Patna.
2. Dr. Ranjit Kumar, General Secretary of Bihar Health Services Association, Son of late Atal Bihar Saran, resident of Road No. 3, Dwarikapuri, Hanuman Nagar, Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Health Government of Bihar, Patna.
3. The Director-in-Chief, Health Services, Directorate of Health, Government of Bihar, Patna.
4. State Council of Clinical Establishment Bihar through its Chairman.
5. The Chairman-cum-Principal Secretary, Department of Health Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Subodh Kumar Jha, Advocate.
Mr. Pranav Kumar Jha, Advocate.

For the Respondent/s : Mr. Shashi Bhushan Kumar,

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

9 09-12-2019

The petitioners have prayed for the following relief:

“For issuance of appropriate writ, order and direction restraining Respondent authorities from taking any coercive action against any registered medical



practitioner/clinical establishment, within the territory of State of Bihar, in exercise of power conferred under the Clinical Establishment (Registration and Regulation) Act, 2010 (Act No. 23 of 2010) and Rules/Regulations framed thereunder. The petitioners further pray that until procedure prescribed in Section 7 read with Sections 12 and 13 of the Central Act are complied with no action shall be taken by any authority including the District Registering Authority under against any registered medical practitioner/clinical establishment within the territory of Bihar.”

In view of orders dated 30.08.2018 and 02.07.2019 passed in CWJC No. 20444 of 2014, titled as **Indian Association of Pathologists and Microbiologists vs. the State of Bihar and Ors.**, order dated 24.05.2016 stands vacated.

Mr. Subodh Kumar Jha, learned counsel for the petitioners, states that the petitioners shall be content if liberty is granted to represent before the Principal Secretary, Department of Health, Government of Bihar, Patna (Respondent no. 2), who is present in Court.

The Principal Secretary states that if any such representation is filed, the same shall be considered and decided in accordance with law expeditiously within a period of three months from the date of filing of such representation.



Accordingly, the present writ application stands
disposed of reserving aforesaid liberty.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

sujit/-

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