

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18787 of 2014

Veterans Forum For Transparency in Public Life through its General Secretary, namely Wing Commander (Retd.) Bishwanath Prasad Singh, son of late R.N. Singh, R/O PNT Colony No.2, Dahiyawan, Chapra, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Government of Bihar, Patna
3. The Principal Secretary, Department of Health and Family Welfare, Government of Bihar, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh
For the Respondent/s : Mr. P.N.Shahi, AAG-10

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

16 02-12-2019

Petitioner has prayed for the following reliefs:

“(a) For directing the State Government to carry out letter and spirit of Section 14(4) of the Clinical Establishments (Registration and Regulation) Act, 2010 (hereinafter to be referred to as ‘Act 2010’) for registration of clinical establishment prior to 28.11.2014 consider the Bihar Clinical Establishments (Registration and Regulation) Rules, 2013 (hereinafter to be referred to as ‘Rule 2013’) came into force on 28.11.2013.

(b) For directing the respondents to take appropriate action as defined under Section 40 of the Act 2010 against the clinical establishments and concerned doctors, holders of the authority of the



clinical establishments who failed to get the registration of clinical establishments as defined under Section 2 (c) of the Act, 2010 registered prior to 28.11.2014.

(c) For any other relief or reliefs for which the petitioner is entitled as your Lordships may deem fit and proper.”

Our attention is invited to Section 11 of the Clinical Establishments (Registration and Regulation) Act, 2010, which reads as under:

“11. No person shall run a clinical establishment unless it has been duly registered in accordance with the provisions of this Act.”

In the 3rd supplementary counter affidavit filed by respondent no.3 dated 15.05.2016, it is averred that appropriate action has already been taken. The relevant part of the affidavit mentioned in para 6 reads as under:

“6. That it is stated that as per latest information received to the department, total 1602 Government Clinical Establishments and 1407 Private Clinical Establishments have been registered in different districts of the State of Bihar under the said Act for which a district wise list has been prepared.”

The petitioner herein contends that there are at least 424 private clinical establishments in different districts of Bihar, which remain unregistered.



Well, these averments qua the said statement is absolutely vague and unspecific and is unverified and, as such, we dispose of the present writ petition.

Liberty is reserved to the petitioner to raise the surviving issues, if any, before the appropriate forum in accordance with law.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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