

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15247 of 2015**

Om Prakash Lal, Son of Late S.P. Lal, resident of Rohtas Nursing Home,  
Station Road, Dalmianagar, P.S. Dalmianagar, District Rohtas

... .. 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. 206 D, N

... .. Respondent/s

**Appearance :**

|                      |   |                               |
|----------------------|---|-------------------------------|
| For the Petitioner/s | : | Mr. Dharendra Singh, Advocate |
| For the Respondent/s | : | Mr. Lalit Kishore, AG         |
|                      |   | Mr. S.D. Sanjay, Addl. S.G.   |
|                      |   | Mr. Abhay Shankar Mathur, CGC |

**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**

**ORAL ORDER**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

3      02-12-2019      Petitioner has 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 citizen 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 petitioner 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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