

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22310 of 2019

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Manaur Alam, S/o Md. Islam, R/o Block Road, P.O.- Narkatiyaganj, P.S.-
Shikarpur, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Old Secretariat, Patna, Bihar.
2. The Principal Secretary, Department of Health, Medical Education and Family Welfare, Government of Bihar, Patna.
3. Union of India, through the Secretary, Department of Health and Family Welfare, New Delhi.
4. Medical Council of India, New Delhi through its Secretary.
5. Jannayak Karpuri Thakur Medical College & Hospital, Madhepura through its Principal.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Amit Pandey, Advocate
For the Respondent/s	:	Mr. S.D. Yadav (AAG-9)
		Mr. Braj Bhushan Mishra, AC to AAG-9
For the MCI	:	Mr. Kumar Brajnandan, Advocate
		Mr. Tarees Hameed, Advocate
For the Union of India	:	Mr. S.D. Sanjay, Addl. S. G.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 09-12-2019 The petitioner has prayed for the following reliefs:-

“(i) For issuance of an order (s) / direction
(s) or writ(s) in the nature of Mandamus directing the
respondent State of Bihar and its officials to take all the
necessary steps including expeditious removal of
deficiencies relating to infrastructure and faculties in
Jannayak Karpuri Thakur Medical College and
Hospital, Madhepura, so that the Letter of Permission
under Section 10(A) of Indian Medical Council Act,



1956 is granted by the MCI / Union of India for taking 100 admissions in MBBS course from the academic session 2020-21. And/or

(ii) For issuance of an order (s) / direction(s) or writ(s) in the nature of Mandamus directing the respondent State of Bihar to fix the personal responsibility of the officials who failed to provide necessary infrastructure / facilities in Jannayak Karpuri Thakur Medical College and Hospital, Madhepura within time in spite of clear direction of this Hon'ble Court due to which Letter of Permission under Section 10(A) of Indian Medical Council Act, 1956 was not granted by the MCI / Union of India for taking 100 admissions in MBBS course from the academic session 2019-20. And/or

(iii) Pass such other order / orders which may appear fit and proper in the facts and circumstances of the instant case.”

Mr. Kumar Braj Nandan, learned counsel appearing on behalf of the MCI invites our attention to the report of the MCI highlighting the deficiencies required to be removed prior to the issuance of statutory sanction/permission.

The Principal Secretary, Health Department, Government of Bihar, states that all such deficiencies shall be removed without any inordinate delay and the Government, in principle, subject to the approval by the Medical Council of India, has taken a decision of making the hospital at Madhepura,



commonly termed as “Jannayak Karpuri Thakur Medical College and Hospital, Madhepura functional on or before 01.02.2020.

In view of the above, we dispose of the present writ application.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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