

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8957 of 2019

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Tauqueer Alam S/o Mansoor Alam At present Barwa Barauli,P.O.
Mangrahari,P.S. Shikarpur,Dist.West Champaran,Bihar-845451

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary,Govt. of Bihar,Patna
2. The Principal Secretary, Department of Health,Govt. of Bihar,Patna
3. Bihar Council of Medical Registration through its Registrar,Patna
4. Medical Council of India, through its Chairman,New Delhi

... .. Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

Mr. Anshuman Singh, Advocate.

Mr. Kumar Brijnandan, Advocate.

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

(Per: HONOURABLE THE CHIEF JUSTICE)

9 08-12-2020

Petitioner has prayed for the following relief(s):-

(i) For issuance of an order (s) direction (s) or writ(s) in the nature of Mandamus directing the State of Bihar to re-constitute Bihar Council of Medical Registration as per Section 4(1) of The Bihar and Orissa Medical Act, 1916 which provides for re-constitution of Bihar Council of Medical Registration after every three years.
And/or

(ii) For issuance of further order (s)/ direction (s) or writ(s) in the nature of Prohibition directing the Respondent No. 3- Bihar Council of Medical Registration not to discharge any function under the Bihar and Orissa Medical Act, 1916 or any



other law in as much as Bihar Council of Medical Registration was last constituted in the year 2009 and the term of office of the members of Bihar Council of Medical Registration expired in 2012 itself and their continuance in office is illegal.

And/or

(iii) For issuance of further order (s)/ direction (s) or writ(s) in the nature of Mandamus directing the Medical Council of India to take appropriate disciplinary action against the present members of the Bihar Council of Medical Registration who have illegally usurped and misused their Offices although their tenure was only for three years which expired way backed in 2012 itself. And/or.

(iv) For issuance of further order (s)/direction (s)/ or Writ(s) in the nature of Mandamus directing the State of Bihar to set up an enquiry as to under what circumstances the Bihar Council of Medical Registration was not re-constituted for the last seven years thereby facilitating the same members of Bihar Council of Medical Registration to Continue into their offices even after the expiry of their tenure in 2012 and on the basis of the said enquiry take appropriate disciplinary action against the officials responsible for the same.

And/or.

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



On 10th January, 2020, we had passed the following order(s):-

“Learned Advocate General states that all necessary efforts for compliance of the provisions of law already stands taken as also the Bihar Council of Medical Registration stands reconstituted as such the present petition has become infructuous.

Only for the reason that learned counsel for the petitioner is not available for the present, we adjourn the matter.

List on 20.01.2020 clarifying that no further adjournment shall be given.”

Today, despite repeated calls, none has turned up.

Petition stands disposed of as having become infructuous with liberty to take recourse to such remedies as are otherwise available in law.

(Sanjay Karol, CJ)

(S. Kumar, J)

sujit/-

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