

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6562 of 2021

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1. Rajat Kashyap Son of sri Ajit Kumar Jha Resident of village- Bangali Tola, P.s.- Forbisganj, District- Araria
 2. Shiv Kumar Son of Siya Ram Chaudhary resident of village- Gudhri Bazar Supaul, At present residing at Boys Hostel No. 1, Room no. 8, Katihari Medical College, Katihar
 3. Md. Haseen Reza Son of Md. Badru Zama resident of Salmari, P.s. and District- Katihar
 4. Ahsan Zaheer Son of Mohammad Zaher resident of Station Road, Banjariya near Bazar Samitti Motihari, at present residing at Boys Hostel Room no. 216, Katihar Medical College Katihar, P.s. and District- Katihar
 5. Sadiya Naushad D/o Naushad Alam resident of New Azimabad Colony, Sector A, Sanichra Mandir, Mahendru Patna, At present residing at Girls Hostel, Katihar Medical College, Katihar

... .. Petitioner/s

Versus

1. The Vice Chancellor Bhupendra Narayan Mandal University, Madhepura
2. The Registrar, Bhupendra Narayan Mandal University, Madhepura
3. The Examination Controller, B.N. Mandal University, Madhepura
4. The Medical Council of India Office at Poeket-14, Sector-8, Dawarika Phase-1, New Delhi-77
5. The Principal Katihar Medical College, Katihar

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 6831 of 2021

1. Rahul Priya Son of Sri Shankar Mishra Resident of Chamangadh, Kharagpur, Munger, P.S.- Haveli, Kharagpur, District- Munger.
2. Chandrahass Pandey Son of Shri Umanath Pandey R/o RZ73, Gali no. 4, New Anaj Mandi, Gupta Market Najafgarh, South West Delhi.

... .. Petitioner/s

Versus

1. The Vice Chancellor Bhupendra Narayan Mandal University, Madhepura.
2. The Registrar Bhupendra Narayan Mandal University, Madhepura.
3. The Examination Controller B.N. Mandal University, Madhepura.
4. The Medical Council of India Office at Poeket-14, sector-8, Dawarika Phase-1, New Delhi- 77.
5. The Principal Mata Gujri Memorial Medical College and Lions Seva Kendra Hospital, Kishanganj, Bihar.



... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 6562 of 2021)

For the Petitioner/s : Mr. Khurshid Alam
Mr. Majid Mahboob Khan, Advocates

For the Respondent/s : Mr. Kumar Brijnandan

For B.N. Mandal University : Mr. Pushkar Narain Shahi, Sr. Adv.
Mr. Ritesh Kumar, Adv.

(In Civil Writ Jurisdiction Case No. 6831 of 2021)

For the Petitioner/s : Mr. Khurshid Alam
Mr. Asif Kalim

For the Respondent/s : Mr. Kumar Brijnandan

For B.N. Mandal University : Mr. Pushkar Narain Shahi, Sr. Adv.
Mr. Ritesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 01-11-2021 Heard Mr. Khurshid Alam, learned counsel for the petitioners and Mr. Pushkar Narain Shahi, learned senior counsel along with Mr. Ritesh Kumar, learned counsel for the B.N. Mandal University and Mr. Kumar Brijnandan appearing for Medical Council of India (National Medical Commission) in both the aforesaid writ applications.

2. Five writ petitioners in CWJC No. 6562 of 2021 and two writ petitioners in CWJC No. 6831 of 2021 have approached this Court for a direction to Bhupendra Narayan Mandal University, Madhepura to take their first professional MBBS examination on the facts that the petitioners were admitted in Katihar Medical College and Mata Gujri Memorial Medical College & Lions Seva Kendra Hospital, Kishanganj, Bihar for the different sessions i.e., 2013-2014, 2014-2015,



2015-2016 and 2017-2018 respectively.

3. Mr. Khurshid Alam, learned counsel for the petitioners submits that the petitioners were registered under Bhupendra Narayan Mandal University, Madhepura and they had appeared in the first professional MBBS Examination, 2018 but could not qualify. Further, B.N. Mandal University is not allowing the petitioners to appear in the first professional MBBS Examination. Learned counsel further submits that Board of Governors of National Medical Commission took resolution that MBBS Examination of Katihar Medical College for the Sessions of 2018-2019 shall be conducted by a newly created Al-Karim University and likewise MBBS Examination of Mata Gujri Memorial Medical College & Lions Seva Kendra Hospital shall be conducted by Mata Gujri University, Kishanganj from 2018-2019.

4. He further submits that prior to session 2018-2019, MBBS Examination has to be conducted by B.N. Mandal University and according to the writ petitioners, they were admitted under the sessions prior to 2018-2019.

5. On the other hand, Mr. Shahi, learned senior counsel for B.N. Mandal University submits that the B.N. Mandal University was bifurcated into Purnea University with



effect from 18.03.2018 and according to Section 3(1) (f) the territorial jurisdiction of B.N. Mandal University is limited to the whole of Kosi Division and the territorial jurisdiction of Purnea Division was under Purnea University and Colleges, in question, are situated in Purnea Division, accordingly, the first MBBS examination of the petitioners cannot be held by B.N. Mandal University and Purnea University will have the jurisdiction over these two colleges in which the petitioners are studying.

6. On the other hand, learned counsel appearing for Medical Council of India/National Medical Commission, referring to Annexure 4/4 of the counter affidavit submits that the Medical Council of India has informed the Principal, Katihar Medical College about the resolution taken by the Board of Governors of Medical Council of India that batches of medical education admitted earlier till academic year 2017-2018 shall continue with Bhupendra Narayan Mandal University, Madhepura, Bihar and then referring to Notification Dated 30th April 2020 of Govt. of India, learned counsel further submits that in exercise of the powers conferred by sub-section (2) of the Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical



Council of India, has made further amendments in the First Schedule of the said Act and from perusal of the amendment, it would be clear that MBBS degree issued by the B.N. Mandal University upto the academic session 2017-2018 shall be recognized as medical qualification and thereafter, degree granted by Al-Karim University for the academic sessions of 2018-19 shall be treated as recognized degree. He further submits that similar decision has been taken with regard to Mata Gujri Memorial Medical College & Lions Seva Kendra Hospital, Kishanganj, Bihar by the Medical Council of India and a communication in this regard has also been made to the Central Government.

7. Having regard to the submissions advanced on behalf of the parties and taking into consideration the materials on record and the stand taken by the Medical Council of India/ National Medical Commission that MBBS degree granted by the B.N. Mandal University upto the academic session 2017-18 shall only be recognized by the Medical Council of India and the petitioners are registered under B.N. Mandal University and also taking into consideration the fact that the petitioners' career is, at stake, for a few years, I direct B.N. Mandal University, Madhepura to hold special first professional MBBS



Examination only for these seven petitioners within a period of four months from the date of receipt/production of a copy of this order.

8. With the aforesaid observation and direction, both these writ applications stand disposed of.

(Anil Kumar Sinha, J)

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