

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9729 of 2022

1. Dhirendra Kumar S/o- Ram Krishna Mahto Resident of Village- Bashi, P.S.- Teghra, District- Begusarai.
2. Manoj Kumar S/o- Satyya Narayan Mandal Resident of Village- Kataiya Mahe, P.S.- Pipra, District- Supaul.
3. Ajay Kumar Singh S/o- Matibar Singh Resident of Village- Rahimpur, P.S.- Parsa Bazar, District- Patna.
4. Ashutosh Kumar S/o- Yadynandan Mishra Resident of Village- Bahbalpur, P.O.- Kailashpur, P.S.- Guras, District- Gaya.
5. Jai Prakash S/o- Shyam Bihari Mitra Resident of Village- Dhobighat Road No. 8 Charitraban Bamsar, P.S.- Buxar, District- Buxar.
6. Manish Kumar Singh S/o- Late Raj Kishore Singh Resident of Village and P.O.- Koiria Pipra, P.S.- Parihar, District- Sitamarhi.
7. Suresh Kumar Sah S/o- Tauje Lal Sah Resident of Village- Bajeetpur Kodariya, P.O- Kharauna, P.S.- Kudhani, District- Muzaffarpur.
8. Abhimanyu Kumar S/o- Shiv Kumar Mishra Resident of Village and P.O.- Balia, P.S.- Guraru, District- Gaya.

... .. Petitioner/s

Versus

1. Union of India through Secretary, Ministry of Ayush, Ayush Bhawan, B Block- GPO Complex, New Delhi.
2. Secretary, Ministry of Ayush, Ayush Bhawan, B Block, GPO Complex, New Delhi.
3. Under Secretary, Ministry of Ayush, Ayush Bhawan, B Block, GPO Complex, New Delhi.
4. The Principal Secretary, Department of Health and Family Welfare, Bihar, Patna.
5. The Principal Secretary, General Administration Department, Bihar, Patna.
6. The Registrar, National Commission for Indian System of Medicine, 61-65

Institutional Area, Janakpuri, New Delhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar Thakur, Adv
For the Respondent/s : Dr. K.N. Singh (ASG)

**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)**

Date : 03-08-2022

Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s):-

(i) For declaration that the notification issued by the Ministry of Health & Family Welfare, Govt. of India, New Delhi dated 25.06.2010 in the gazette of India under section 14 (2) of the Indian Medicine Central Council Act, 1970 amending item no. 6 of column 4 of Schedule 2 to the effect that the GAMS degree conferred by the State Faculty of Ayurvedic and Unani Medicines, Bihar, Patna after 2003 will not be recognized, is ultra vires section 35 thereof as such amendment was not laid before each House of Parliament, nor did both the Houses agree to that amendment, as required therein.

(ii) For quashing the press communique dated 01.05.2019 published in the daily newspaper, Hindustan, Hindi edition, by the Bihar State Ayurvedic and Unani Medicines Council, Patna whereby the registration for enrolment as Vaidya on

the basis of GAMS degree obtained during the period 2012, 2014 and 2015 has been cancelled on the basis of uncommunicated enquiry report dated 09.03.2016.

After the matter was heard for some time, learned counsel for the petitioners, under instruction, states that petitioners shall be content if a direction is issued to the **respondent no. 5 Principal Secretary, Department of Health and Family Welfare, Bihar, Patna**, to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioners, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of on the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its

filing along with a copy of this order;

(c) The order assigning reasons shall be communicated to the petitioner;

(d) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(f) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(g) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(h) Liberty reserved to the petitioner to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;

(i) We have not expressed any opinion on merits. All issues are left open;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed
of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA