

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16847 of 2019

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Ashok Kumar S/O- Bhogendra Ram, Resident of Village- Naurauli Sen, Post-
Bhinda, P.S.- Mushahari, District- Muzaffarpur.

... .. 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 State of Bihar, Through Principal Secretary, Department of Health and Family Welfare, Bihar, Patna.
5. Principal Secretary, Department of Health and Family Welfare, Bihar, Patna.
6. The Bihar State Council of Ayurvedic and Unani Medicine, K-52, Hanuman Nagar, P.O.- Hohiya Nagar, Patna-20 through its Registrar.
7. The Registrar, The Bihar State Council of Ayurvedic and Unani Medicine, K-52, Hanuman Nagar, P.O.- Lohiya Nagar, Patna.,- 20.
8. The Central Council of India Medicine, 61-65 Institutional Area, Janakpuri, New Delhi through its Registrar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shankar Kumar Thakur, Advocate
For the Respondent/s	:	Mr.Lalit Kishore(Ag)
For U.O.I.		Mrs. Kanak Verma, CGC
		Mr. Devansh Shankar Singh, JC to ASG
		Mr. Amarjeet, JC to ASG
For Resp. No.8		Mr. Janardan Prasad Singh, Sr. Advocate
		Mr. Dipak Kumar, Advocate

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

(Per: HONOURABLE THE CHIEF JUSTICE)

4 03-08-2022 Petitioner has 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.

The petitioner further prays for issuance a writ in the nature of Mandamus:

(iii) For direction to the respondent concerned to treat the GAMS degree as valid in view of the law laid down in (2007) 12 SCC 728 (Bihar State Council of Ayurvedic Vs. The State of Bihar and Others) as also the order dated 01.05.2019 has been passed without following the procedure provided under 1951 Act and without affording opportunity of hearing.”

Learned counsel for the petitioner, under instructions,



states that, in view of the intervening developments, the petition may be permitted to be withdrawn.

Prayer allowed.

Petition is disposed of as withdrawn.

Interlocutory application(s), if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

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