

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16822 of 2019

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Amar Nath Thakur S/o Kashi Thakur Resident of Village- Rasalpur, P.S.-
Dumra, District- Sitamarhi.

... .. 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.- Lohiya 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 Indian Medicine, 61-65 Institutional Area, Janakpuri, New Delhi through its Registrar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Baidya Nath Thakur, Adv
For the Respondent/s : Mr.S.D.Yadav (AAG9)

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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.

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.

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner 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 petitioner, 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;

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

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