

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2105 of 2023

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Ranjan Kumar S/o Ram Swarth Prasad Singh R/o 82 Lemezera Lane Guzari
Bazar, Oriental College, Patna City, P.O.-Jhauganj, P.s.-Khazekala, Patna City,
Bihar-800008

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar.
2. The Principal Secretary, Genral Administration Department, Government of Bihar, Patna.
3. The Additional Chief Secretary, Health Department, Government of Bihar, Patna.
4. The Principal, Patna Medical College, Patna, Bihar.
5. The Principal, Sri Krishna Medical College, Muzaffarpur, Bihar.
6. The Principal, Darbhanga Medical College, Darbhanga, Bihar.
7. The Principal, Nalanda Medical College, Patna, Bihar.
8. The Principal, Bhagwan Mahavir Institute of Medical Sciences, Pawapuri, Bihar.
9. The Principal, Government Medical College, Bettiah, Bihar.
10. The Principal, Government Medical College, Purnea, Bihar.
11. The Principal, Jawahar Lal Nehru Medical College, Bhagalpur, Bihar.
12. The Principal, Anugrah Narayan Magadh Medical College, Gaya, Bihar.
13. The Principal Karpoori Thakur Medical College, Madhepura, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Singh, Advocate
For the Respondent/s : Mr. P.K. Shahi (AG)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-09-2023

The writ petition is filed as a public interest
litigation seeking implementation of the “Teachers Eligibility
and Qualifications in the Medical Institutions and Regulations,



2022” as contained in notification dated 14.02.2022 issued and published by the National Medical Commission (for brevity ‘NMC’) in all the medical colleges in the State of Bihar.

2. As of now, suffice it to refer to the counter affidavits filed by the Additional Director, Health Services, Bihar, Patna. A counter affidavit filed on 23.03.2023, specifically refers to the Regulations of 2022 and after quoting Regulation 3.6 and 3.7, refers to the various notifications issued by the Department, produced as Annexure-A series, whereunder eligible medical teachers have been given the position of Principal and Superintendent in various Medical Colleges And Hospitals. The commitment of Health Department of Bihar to comply with the Regulations of 2022, which it is duty bound to comply with, has been categorically stated. A further counter affidavit is filed on 11.05.2023, wherein it has been stated that the Senior Resident/Tutor and Bihar Medical Educational Services Cadre, Recruitment, Appointment And Promotional Rules, 2008 has been amended by the Amendment Rules of 2013, which are annexed as Annexure-C. The final up-gradation list of regular professors working in State Medical Colleges and Hospitals has also been published, as is indicated at Annexure-D.

3. It has been categorically stated that the Health



Department is implementing the provisions especially with respect to the eligibility criteria fixed by NMC in the matter of appointment of Principals and Superintendents in the Medical Colleges of Bihar. It is asserted that the Health Department functions in tune with the guidelines and regulations of NMC and in the context of the new Regulations of 2022, the Health Department is implementing its provisions especially with respect to eligibility criteria fixed by NMC. The Rules of 2013 are also in the anvil of a further amendment to incorporate the eligibility criteria under the Regulations of 2022 issued by the NMC.

4. The learned counsel for the respondents specifically pointed to the order of the Hon'ble Supreme Court in Civil Writ Petition No. 634 of 2018, which is produced along with the reply dated 24.04.2023. Therein, it has been categorically declared that the petitioner States are bound to adhere to the standards as specified by the regulatory authority, i.e., NMC. It is also held that if there are any deficiencies, the NMC as well as the Central Government have ample powers to take steps as are permissible in law.

5. The respondent-State has categorically declared its commitment to follow the regulations of 2022 issued by the



NMC with respect to the eligibility criteria fixed by the NMC and there is also on the anvil a proposal to amend the rules for appointment. As has been declared by the Hon’ble Supreme Court, any deficiencies could be brought to the notice of the Central Government or the NMC. We also hope that the State would strive to bring in the amended rules in accordance with the Regulations of 2022 issued by the NMC as expeditiously as possible.

6. With the above observations, the writ petition stands disposed of.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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CAV DATE	
Uploading Date	06.09.2023
Transmission Date	

