

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6255 of 2023

Prabhu Jee Gupta, Son of Rameshwar Jee Gupta @ Ramawatar Jee Gupta
Resident of Village- Majhauri Road Mairwa, Siwan, P.S.- Town Siwan,
District- Siwan. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
 2. The Principal Secretary, Health Department, Govt. of Bihar, Patna.
 3. The Chief Director, Health Services, Govt. of Bihar, Patna.
 4. The Executive Director, Health Services, Govt. of Bihar, Patna.
 5. The Collector, District- Siwan.
 6. The Additional Collector, District- Siwan.
 7. The Civil Surgeon Cum the Chief Medical Officer, District- Siwan.
- Respondents

Appearance :

For the Petitioner/s : Mr. Raj Kumar Mishra, Advocate
For the Respondent/s : Mr. Rajeshwar Singh, GA-10
Mr. Jitendra Kumar, AC to GA-10

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date : 01-05-2023

Heard learned counsel for the petitioner and learned counsel
for the State.

2. Learned counsel for the petitioner has by filing this writ
application challenge the order as contained in Memo No. 171 dated
21.01.2023 (Annexure '2') and the order contained in Memo No. 551
dated 17.03.2023 (Annexure '3/1' to the writ application).

3. Learned counsel for the petitioner submits that the
respondent authority has cancelled the registration of the ultrasound
machine of the petitioner on the solitary ground that the petitioner had
not applied for renewal with the requisite fee 30 days prior to the date
of expiry of the registration period. According to Annexure '2', the



registration was valid for a period of 07.01.2018 to 06.01.2023. Learned counsel submits that the petitioner had applied for renewal vide Annexure '3' dated 20.02.2023 with the requisite amount of the renewal fee vide bank draft no. 936465 dated 18.02.2023.

4. Learned counsel submits that instead of considering the application for renewal, the same has been rejected. Learned counsel for the petitioner submits that the petitioner could not submit his application 30 days prior to the date of expiry because of some unavoidable circumstances. It is submitted that the petitioner was suffering from illness and he had substantiated his plea of illness by enclosing medical test reports and doctors prescription but those were not considered by the competent authority and has passed the order contained in Annexures '2' and '3/1' respectively.

5. Learned counsel for the State has opposed this writ application. It is submitted that the reason for not considering the renewal of the registration is a valid reason, therefore, no interference is required with the impugned orders.

6. Having regard to the facts and circumstances of the case and the pleadings available on the record, this Court finds that the only reason for which the renewal application of the petitioner has not been considered is that he had applied for the same after expiry of the validity period of the registration.

7. This Court finds that vide Annexure '3' to the writ application, the petitioner had shown reasons for his not submitting



application within time. It was, therefore, incumbent upon the Civil Surgeon-cum-Chief Medical Officer, Siwan to consider the application of the petitioner for renewal and in case, the petitioner was satisfying the other conditions which were required for the renewal of the registration, his application was required to be considered.

8. This Court, therefore, sets aside the impugned orders and directs the Civil Surgeon-cum-Chief Medical Officer, Siwan to consider the application of the petitioner as contained in Annexure ‘3’ to the writ application for renewal of the registration of ultrasound machine. The petitioner shall submit a re-validated or fresh bank draft for the requisite amount.

9. Let the petitioner submit fresh bank draft and an application for renewal within a period of three weeks from today whereupon the Civil Surgeon-cum-Medical Officer, Siwan shall consider and take a reasoned decision in the light of the discussions made above within a further period of three weeks.

10. This application stands allowed to the extent indicated hereinabove.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

AFR/NAFR	
CAV DATE	
Uploading Date	02.05.2023
Transmission Date	

