

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6579 of 2023

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Shambhu Nath Sikaria, Son of Late Radha Krishna Sikaria, Resident of
Mohalla-Radha Nagar, P.S.-Motihari Town, District- East Champaran,
Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Health Department, Government of Bihar, Patna.
3. The Joint Secretary, Health Department, Government of Bihar, Patna.
4. The Registrar, Aryabhatt Knowledge University, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prince Kumar Mishra, Advocate
		Mr. Vikas Kumar Jha, Advocate
For the Respondent/s	:	Mr. P.K. Shahi, AG
		Mr. Amit Kumar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 05-05-2023

The petitioner, allegedly in public interest has sought for the setting aside of Memo No. 55/2022-69(1) dated 31.01.2023 issued by the Health Department, Government of Bihar. By the aforesaid notification after constitution of the Bihar Health Services University, Patna directed all governmental/non-governmental organisations referred to therein to transfer the affiliation from Aryabhatt Knowledge University, Patna to Bihar Health Sciences University, Patna. The petitioner alleges that the said



transfer has been done without providing basic and adequate infrastructure, without a proper road map and also has a political colour. There is, however, nothing stated further as to how these allegations can be sustained. It is also pertinent that the petitioner himself admits that the notification indicates that it is in pursuance of Clause 4 of the Bihar Health Sciences University Rules, 2021 by which all the health sciences education imparting institutes were directed to transfer their affiliation to the Bihar Health Sciences University, Patna. The petitioner has not impleaded the Bihar Health Sciences University, Patna nor any of the governmental or non-governmental organisations, at least in a representative capacity. In fact, if the institutes which have been directed to transfer their affiliation has a grievance, it is for them to approach this Court and in that circumstance we do not see any requirement for a Public Interest Litigation. Above all we find that though the notification is said to have been issued under the rules, but for challenging the notification there is no challenge against the rule or the formation of the university.



In such circumstances, we dismiss the writ
petition *in limine*.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

Anushka/-

AFR/NAFR	
CAV DATE	
Uploading Date	09.05.2023
Transmission Date	

