

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6591 of 2023

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Dharmendra Kumar Singh S/o Shri Dinesh Singh Secretary, Bright Education
Centre, Near SBI Bank, Kankarbagh, Main Road, Patna- 800020.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Bihar.
2. The Principal Secretary, Health Department, Bihar.
3. The Director-in-Chief, Health Services, Bihar, Patna.
4. The Deputy Secretary, Health Department, Bihar, Patna.
5. The District Magistrate, Muzaffarpur.
6. The Additional Director, Health Services, Bihar, Patna.
7. The Civil Surgeon, Muzaffarpur.
8. The Principal, Sri Krishna Medical College, Muzaffarpur.
9. The Head of the Department, Pathology and Orthopaedics Department, Sri Krishna Medical College, Muzaffarpur.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar, Advocate
For the Respondent/s : Mr. Ramadhar Singh, GP-25

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 17-07-2023 Heard learned counsel for the petitioner and learned
GP-25 for the State.

2. In this writ application, the petitioner is seeking a direction to the respondent authorities to implement their own order dated 08.04.2016 issued vide Memo No. 478(1) and in compliance thereof a direction has been sought for to the respondent authorities to conduct the inspection of Chapra Para Medical Institute, Chapra in accordance with Rule 6 of the Bihar Para Medical/Para Dental Educational (Permission for



establishment of Institutions) Rule, 2005. A further prayer has been made to direct the members of the Inspection Committee to conduct the inspection of the petitioner's Para Medical Institute forthwith and also to fix the accountability and to explain the cause of not conducting the inspection of the Para Medical Institute of the petitioner for all these years.

3. Earlier vide order dated 22.06.2023, this Court having taken note of the delay on the part of the respondent authorities in the matter of conducting the inspection of the institute for all these years called upon respondents to file a counter affidavit. No counter affidavit has been filed but Mr. Ramadhar Singh, learned GP-25 for the State has appeared and informed this Court that statement of fact has been received from the Department based on which a counter affidavit may be filed if some time is granted.

4. In course of query made by this Court, learned counsel for the State informs that even as there is no explanation as to why for about seven years the inspection of the institute was not conducted, at this stage, a fresh Inspection Team has been constituted by a Departmental Memo No. 467 (1) dated 05.07.2023. A Five-Men Inspection Team shall conduct the on spot inspection of the institute in question and a report is likely



to be submitted to the Department within a reasonable period.

5. Having heard learned counsel for the State and the kind of stand taken by the Department, this Court is of the view that instead of waiting for filing of a counter affidavit, this writ application may be disposed of with an appropriate direction.

6. This Court hereby directs the Principal Secretary, Department of Health, Government of Bihar (respondent no. 2) and the Director-in-Chief, Health Services, Bihar, Patna (respondent no. 3) to ensure that the Inspection Team constituted vide Memo No. 467(1) dated 05.07.2023 as has been informed to this Court must conduct the spot verification and inspection within a period of one month from today and submit its report within another one month. After submission of the report, the competent authority shall take an appropriate decision within a period of two months and the same will be informed to the petitioner.

7. Before this Court parts with this order, it must express it's anguish on the manner in which the Inspection Team constituted earlier did not visit the petitioner's institute for about seven years. Whether they are accountable for this delay and laches in rendering their duty or not is something which is required to be considered by the respondent no. 2 because this Court is getting



complaints from time to time and the delay/inaction on the part of the Inspection Team is giving rise to litigation in the Court of Law.

8. This writ application stands disposed of with the aforesaid observations and directions.

(Rajeev Ranjan Prasad, J)

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