

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15440 of 2019

Pragya Bharti Represented Through Dr. Bhupendra Kumar Mishra (male, aged 56 years), S/o Baliram Mishra, R/o 51, Shital Tola, Arrah, Anchal- Ara, District- Bhojpur.

... .. Petitioner/s

Versus

1. The Union of India Through the Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi.
2. The State of Bihar Through the Principal Secretary, Department of Health, Government of Bihar.
3. The Drug Controller General (India) Directorate General of Health Services, F.D.A. Bhawan, Government of India.
4. The Joint Drug Controller (India) Directorate General of Health Services, F.D.A. Bhawan, Government of India.
5. The State Drug Controller Department of Health, Government of Bihar.
6. M/s Aeon Formulations Pvt. Ltd. Having its registered at Sathya Nagar, Manapakkam, Chennai.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 16768 of 2019

Rajeev Kumar Ojha S/o Chandra Mohan Ojha R/o Gundi, Gunri, Gunari, Barhara, District- Bhojpur.

... .. Petitioner/s

Versus

1. The Union of India through the Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi.
2. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar.
3. The State Drug Controller, Department of Health, Government of Bihar.
4. M/s Ornate Labs Pvt. Ltd., Bela Industrial Estate, Muzaffarpur- 842005.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 15440 of 2019)

For the Petitioner/s : Ms. Mayuri, Advocate
Mr. Rajeev Kumar Singh, Amicus Curiae

For the Respondent/s : Mr. S. D. Yadav (AAG 9)

(In Civil Writ Jurisdiction Case No. 16768 of 2019)

For the Petitioner/s : Ms. Mayuri, Advocate

For the Respondent/s : Mr. S. D. Yadav (AAG 9)



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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-01-2023

Petitioner in C.W.J.C. No.15440 of 2019 has prayed
for the following relief(s):

“I. That this is an application on behalf of the petitioner for issuance of a writ in the nature of mandamus or any other appropriate Writ(s), Order(s), Direction(s) to direct the Respondent authority to show cause as to how the drugs which are banned by a Gazette Notification are being manufactured and sold in open market.

II. To issue a writ in the nature of mandamus or any other appropriate Writ(s), Order(s), Direction(s) to direct the Respondent Authority to set up an enquiry and initiate appropriate criminal proceedings against the officers who are responsible for the grant of such license.

III. To issue a writ in the nature of mandamus or any other appropriate Writ(s), Order(s), Direction(s) to order the Respondent Authorities to justify as to under what circumstances was the gazette notification superseded by the recommendation of a committee and whether it is a permissible act withi the four corners of law.

IV. To issue a writ in the nature of mandamus or any other appropriate Writ(s), Order(s),



Direction(s) to order the Respondent Authorities to put an immediate effective ban on the sale of banned Fixed Drug Combination of Corticosteriod as it is prohibited by the Gazette Notification because of its harmful effects on human body.”

Petitioner in C.W.J.C. No.16768 of 2019 has prayed for the following relief(s):

“I. That this is an application on behalf of the petitioner for issuance of a writ in the nature of mandamus or any other appropriate Writ(s), Order(s), Direction(s) to direct the Respondent authority to show cause as to how the drugs which are banned by a Gazette Notification are being manufactured and sold in open market.

II. To issue a writ in the nature of mandamus or any other appropriate Writ(s), Order(s), Direction(s) to direct the Respondent Authority to set up an enquiry and initiate appropriate criminal proceedings against the State Drug Controller, Bihar who despite of being aware about the banned drug license is not taking any action against the manufacturer engaged in the production of the drug.

III. To issue a writ in the nature of mandamus or any other appropriate Writ(s), Order(s), Direction(s) to order the Respondent Authorities to put an immediate effective and complete ban



on the sale of the banned drug MT-Nor as it is prohibition by the Gazette Notification because of its harmful effects on human body.”

In view of the intervening developments, Ms. Mayuri, learned counsel for the petitioners states that the petition has outlived its purpose save and except that now the issue of appointment of Drug Controller need to be addressed by the State in relation to which she shall first invite attention of the concerned authorities and, if need be, file a fresh petition on the same and subsequent cause of action before this Court.

Liberty, as prayed for, is granted.

Petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Saurabh/K.C.Jha

AFR/NAFR	
CAV DATE	
Uploading Date	21.01.2023
Transmission Date	

