

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14195 of 2022

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Rajiv Kumar Shukla S/o-Sri Nirmal Shukla, R/o-At and P.O.-Wari, P.S.-Singhia, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna,
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Addl. Chief Secretary, Department of Health, Govt. of Bihar, Patna.
4. The Special Secretary, Health Department, Government of Bihar, Patna.
5. The Director-in-Chief (Nursing), Health Service, Govt. of Bihar, Patna.
6. The Registrar, Bihar Nurses Registration Council, Vikash Bhawan, New Secretariat, Bailey Road, Patna.
7. The District Magistrates of all the 38 Districts of the State of Bihar,
8. The Civil Surgeons of all the 38 Districts of the State of Bihar,

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Singh, 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 : 23-08-2023

The writ petition filed as a Public Interest Litigation has omnibus prayers, but without following the essential requirements of impleading the parties against whom the allegations are raised. The petitioner seeks a high-level inquiry to find out the B.Sc. (N) Nursing Colleges/ANM Nursing Colleges running in the State of Bihar, carried on without fulfilling the required criteria as per the Guidelines and



Minimum Requirements to establish Nursing Colleges in the State of Bihar contained in Annexure-1.

2. Direction is also sought against the official respondents to take legal and punitive action against all such colleges found to have not fulfilled the minimum required criteria as per the Guidelines. However, none of the colleges who are alleged to have not fulfilled the minimum required criteria have been impleaded in the writ petition. It only shows that the writ petition has been filed without any research and only on assumed slackness in fulfilling the criteria as prescribed in Annexure-1. Further, the petitioner has attempted to implead the District Magistrates and Civil Surgeons of all 38 districts as respondent nos. 7 and 8. We are thoroughly dissatisfied with the manner in which the writ petition has been filed.

3. The counter affidavit of the State dated 22.12.2022 indicates that the State and its authorities are aware of the functioning of certain colleges, which do not have the minimum criteria required. It has been stated that the health authorities prudently involved the District Magistrates in the process of inspection of privately run medical educational institutions such as A.N.M. Schools, G.N.M. Institutions, B.Sc Nursing Colleges, Paramedical Institutions and Pharmacy



Institutions, with the object and intent of enhancing the quality of such institutions, within the State of Bihar. The Additional Chief Secretary, Health Department, by communication dated 08.02.2023 requested the District Magistrates to constitute different teams at their level, for conducting inspection of privately run medical and paramedical educational institutions; the copy of which is produced as Annexure-A.

4. Following up the communication dated 08.02.2022, reminders have also been issued, and 78 reports have been received out of a total of 152 nursing institutions existing within the State. In such circumstances, we are of the opinion that the State is conscious of the allegations levelled and is taking up appropriate action.

5. We see that a number of counter affidavits have been filed by the various District Magistrates and the Civil Surgeons, together. However, we are not intending to monitor the exercise of weeding out those institutions which have not satisfied the minimum criteria for establishing such institutions. In any event, since an inquiry has been initiated, we find no reason to further direct an investigation.

6. The writ petition would stand closed, expressing the opinion that the State would take appropriate action and



ensure that the minimum standards are maintained as also
quality education imparted in the medical and paramedical
institutions.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

aditya/-

AFR/NAFR	
CAV DATE	
Uploading Date	28.08.2023.
Transmission Date	

