

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20544 of 2019

Dr. Arun Kumar Son of late Ram Nagina Prasad, Resident of Nil Kothi Dehri On Son, P.S. Dehri On Son District- Rohtas, Presently State General Secretary, Bihar State Ayurvedic Congress, Railway Hunter Road, East Lohanipur, Patna- 3, Bihar.

... .. 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 Principal Secretary, Health, Govt. of Bihar, Patna.
4. The Secretary, Ministry of Ayush, Ayush Bhawan, Government of India, New Delhi.
5. The Secretary Central Council of Indian Medicine, 61-65 Institutional Area, Janakpuri, New Delhi.
6. The Registrar, Bihar State Ayurvedic and Unani Chikitsa Parishad, K-52 Hanuman Nagar, Patna- 800020
7. The Administrator/ Principal, Ramji Prasad Raj Kumari Devi Ayurvedic Medical College, Fatuha, P.S. Fatuha, Dist.- Patna.
8. The Administrator/ Principal, Sri Harishakuntalayan Ayurvedic Medical College and Hospital, Muzaffarpur, P.S. and Dist.- Muzaffarpur,

... .. Respondent/s

Appearance :

For the Petitioner/s : None

For the Respondent No. 5 : Mr. Janardan Prasad Singh, Sr. Advocate

For Central Council of Indian Medicines: Mr. Deepak Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 26-07-2023

None appeared for the petitioner when the matter was called up in the morning and later when it was called up for hearing.

2. The petitioner alleges illegalities in the matter of



admission to Graduate of Ayurvedic Medicine and Surgery (hereinafter referred to as G.A.M.S.) courses in the 7th and 8th respondent colleges; which respondents were not originally impleaded and later impleaded on the directions of this Court. The petitioner merely makes bland allegations of the admissions having been made against the norms of the Central Government and the State Government without any affiliation/ approval/ permission of the competent authority of the State Government and the Central Government. The petitioner also relies on the decision of the Hon'ble Supreme Court dated 01.11.2017 in Civil Appeal No. 4643-4646 of 2003.

3. The petitioner in the memorandum does not point out any specific violation carried out by the two institutions and makes broad allegations without any substantiation. The petitioner in the writ petition of the year 2019 also claims that the illegal admissions to the G.A.M.S course related back to the year 2004-2005. The counter affidavit of the State clearly states that the Apex Court had not declared the G.A.M.S degree to be invalid after 2003. It was only declared that the G.A.M.S degree would be valid only if the institution seek permission from the Central Government for the medical qualification to be recognized. The decision produced as Annexure-1 also declared



that the amendments brought to the Indian Medicine Central Council Act, 1970, in the year 2003 does not invalidate the qualifications already conferred by the previously established medical colleges.

4. We find no reason to issue any directions as sought for, especially at this distance of time and also on the basis of the bland allegations raised.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Anushka/-

AFR/NAFR	
CAV DATE	
Uploading Date	02.08.2023
Transmission Date	

