

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.826 of 2023

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Manoj Kumar, Son of Dukh Haran Sah, Resident of Mohalla-Gitanjali, Boring Patliputra Road, Patna-13, P.S. Shri Krishna Puri, District-Patna, At present address residence at Mohalla, Gitanjali Niwas, Rajeev Nagar, Road No.-23, Near Bajrang Cement Store, PO-Keshri Nagar, Patna, P.S. Rajeev Nagar, District-Patna-24.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Medical Education and Family Welfare, Government of Bihar, Patna.
2. The Secretary, The Indian Nursing Council, combined council building, Kotla Road, New Delhi-110002.
3. The Joint Secretary to the Government Department of Health, medical education and family welfare, Jharkhand, Ranchi.
4. The Registrar, Jharkhand Nursing Registration Council, Bariato, Ranchi-830009.
5. The Chairman R.S. Roy College of Nursing, Pathar Bagan (Sadipur) Raneshwar Dumka-Jharkhand-cum-Director-in-Chief, Health Services, Jharkhand-cum-Chairman of a Unit of Sido Kanhu Public Charitable Trust, Dumka, Jharkhand.
6. The Principal Secretary, Department of Health and Family Welfare the Government of Jharkhand having his office at Room No-13, Nepal House, Doranda, Ranchi-834002 (Jharkhand).
7. The Managing Committee-cum-Chairman of Sido Kanhu Police Charitable Trust, 510, Ashiyana Galaxy, Exhibition Road, Patna-1.
8. The Secretary, Mira Choudhary, Sido Kanhu Public Charitable Trust, 510, Ashiyana Galaxy, Exhibition Road, Patna-1.
9. The District Magistrate-cum-Collector, Dumka, Jharkhand.
10. The Civil Surgeon-cum-Medical Officer, Sadar Hospital, Dumka, Jharkhand.
11. The Director of National Medical Commission, Government of India, New Delhi.

... .. Respondent/s

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Appearance :



For the Petitioner/s : Mr.Amit Kumar Singh,Advocate
For the Respondent/s : Mr.Mujtabaul Haque (GP 12)
For UoI : Mr. Kumar Priya Ranjan, Advocate

**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL JUDGMENT

Date : 09-02-2023

The petitioner, by way of this writ petition prayed as
under :-

“I. For issuance of writ/writs, order/orders, direction/directions in the nature of Mandamus commanding the respondents to immediately grant recognition of medical qualification of medical college which is situated at unit of Sido Kanhu Public Charitable Trust, Dumka, which is already recognized by Jharkhand State, but Medical Council of India dissolution of 25th September, 2020 when it was replaced by National medical Commission have not granted the affiliation therefore petitioner praying for direction upon the respondents to immediately grant the recognition of the said college as a Sido Kanhu Medical College and Hospital.

II. Further prayed for direction upon the respondents particularly the Chairman-cum-Managing Committee of Sido Kanhu Medical College and Hospital, Dumka, Jharkahd. So, that to fulfill all the



terms and conditions as per the laws of Medical Council of India for constructed the building construction work as well as the infrastructure of the said college for establishing and maintaining higher standards of Medical Education and recognition of Medical Qualification for the purpose of order to protect and promote the health and safety of the public by ensuring proper standards in the practice of Medicine, because in the said college there is serious illegality which is committed by the Managing Committee, with the held of the Chairman of the said college.

III. Further for direction upon the respondents, particular the Chairman R.S. Roy Sido Kanhu Medical College and Hospital (Sadipur) Pathar Bagahan, Raneshwar Dumka-Jharkahd who has not maintained the higher standard infrastructure of the said college in the name of Sido Kanhu Public Charitable Trust, the Chairman of the said college collected the Extortion money from the market by which the Chairman after committing fraud and cheating in the name of donation received Rs.55,20,000/- out of whom, 40,20,000/- it was through the bank, account transaction, and remaining Rs.15,00,000/- by cash received by the Chairman of the said college, and also



appointed the petitioner as a director of the said college.

IV. For further direction upon the respondents particular the Chairman of Sido Kanhu Medical College and hospital Dumka, Jharkhand to allow the petitioner to function the duty in the said on the post of Director otherwise return the amount of Rs.55,20,000/- which was earlier deposited by the petitioner in the account of the Chairman of the said college as well as the charitable trust of the said college.

V. For further direction upon the respondents to enquire into the matter, through the vigilance department, or through the CBI, or any other government agency, so, that in Sido Kanhu Medical College and Hospital as public charitable trust Dumka, couldn't well as the/Proper function the education system, and only in the said College, there is defalcation of huge amount, about 10 Crores which is defaulted by the chairman, as well as the three men Managing Committee of the said college, they have collection the Extortion Money from the market from the several innocent persons on the name of the said college, and there was the use of money particular for personal work, not for charitable trust of the said college therefore the defalcation of the huge amount of the



said college.

VI. For further any relief/reliefs, order/orders, direction/directions, may deem fit and proper in the facts and circumstances of this case.”

2. The first and second prayer made by the petitioner is in relation to seeking a direction for grant of recognition of medical qualification. In terms of the National Medical Commission Act, 2019, the Central Government, on the basis of the recommendations of the Commission, is empowered to recognize a medical qualification whereafter the medical college is empowered to take admissions of students. Since the petition does not mention about the steps which it has taken and the stage after which the process is being continued under the National Medical Commission Act, no directions can be issued to the respondent/s to recognize the medical college. The prayers are wholly misconceived and are, accordingly, rejected.

3. As regards, the third prayer is concerned, it appears to be a dispute between the members of the trust. The allegations mentioned are in the nature of complaint which cannot be examined on factual aspects before this Court. The same is, therefore, rejected.

4. The writ petition is wholly misconceive and is,



accordingly, dismissed. A cost of Rs.20,000/- is imposed on the petitioner to be deposited with the Bihar State Legal Services Authority.

(Sanjeev Prakash Sharma, J)

Ashwini/-
Item No.22

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.02.2023
Transmission Date	NA

