

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3742 of 2025

Shahida Begum @ Shahida Bagen W/o Dr. Shohrab Alam Salem Patti, P.O.-
Mirganj, P.S.-Udhkagaon, District-Gopalganj-841438 ... Petitioner
Versus

1. The State of Bihar Represented through the Additional Chief Secretary,
Department of Health, Bihar, Patna.
2. The District Magistrate, Gopalganj, Bihar.
3. The Sub-Divisional Officer, Hathua, Gopalganj, Bihar.
4. The Civil Surgeon Cum-Chief Medical Officer Gopalganj.
5. The In Charge Medical Officer, Communituy Health Centre, Uchkagaon,
Bihar.
6. The Officer In-Charge, Mirganj Police Station, Mirganj, Gopalganj, Bihar.
7. The Circle Officer, Uchkagaon, Gopalganj, Bihar. ... Respondents

Appearance :

For the Petitioner : Mr.Bipin Bihari, Adv.
For the Respondents : Mr.Government Pleader (12)

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

6 05-05-2025 Heard the parties.

2. The present writ petition has been filed for the
following relief(s) :

(i) To issue a writ of Mandamus or any other appropriate writ, order, or direction commanding and directing the respondents to unseal the premises of AlShifa Hospital, Mirganj, District-Gopalganj, Bihar, bearing registration no. 11/2022, valid until 15-08-2028, belonging to the petitioner, which was suddenly sealed by the respondent authorities, particularly Respondent Nos. 5 to 7, on 17-02-2025 without providing any notice or assigning any reason or opportunity to the petitioner to show cause, or without passing any order of suspension or



cancellation of registration thus disregarding the due process of law as stipulated in the Clinical Establishments (Registration and Regulation) Act, 2010, and the Bihar Clinical Establishments (Registration and Regulation) Rules, 2013, which do not encompass any provision for the sealing of a hospital or nursing home on any account.

(ii) To direct the Respondents to allow this Petitioner to run her hospital, namely AlShifa Hospital, Mirganj, District-Gopalganj, Bihar without any interruption in accordance with law.

(iii) Any other relief or reliefs which the petitioner may be found entitled to in the facts and circumstances of the present case.

3. It is the case of the petitioner that without any prior notice the respondent authorities have raided the premises of the petitioner on 17.02.2025 and thereafter sealed the same. Counsel for the petitioner has stated that the authorities do not have the power to seal the premises under the Clinical Establishment (Registration and Regulation) Act, 2010. Counsel for the petitioner has stated that the said act of the respondents in sealing the premises is contrary to law and also against the principles of natural justice and equity as no prior



notice has been issued to the petitioner. Further it is stated by the learned counsel that the authorities without serving any show cause notice on the petitioner under the provisions of the above Act have straightaway sealed the premises thereby putting the petitioner to irreparable hardship and monetary loss. Counsel has prayed for allowing the present Writ Petition and directing the respondents to unseal the clinic.

4. Per contra, the learned counsel appearing on behalf of the respondents has vehemently opposed the very maintainability of the present Writ Petition. Learned counsel has stated that the authorities duly taking into account that one patient by the name of Shilpi Mishra has died after cesarean operation was done on her in the premises of the petitioner, have taken action. Counsel has stated that without there being any qualified Doctor or any operating theater or any ICU or ICCU the petitioner has conducted an operation on 30.10.2024 which resulted in the death of the above named person. That the authorities have taken the necessary action strictly in accordance with the Clinical Establishment (Registration and Regulation) Act, 2010, and therefore prayed this Hon'ble Court to dismiss the present Writ Petition.

5. After going through the provisions of the Act and



also the material filed by both the parties it is seen that the Clinical Establishment (Registration and Regulation) Act, 2010, does not provide for sealing of the hospital/clinic under the Act. The authority under the Act can cancel the registration of the hospital, levy fine or penalty after due notice but, there is no provision for sealing the premises.

6. Having regard to the above the Writ Petition is allowed. The respondents are directed to unseal the premises immediately. However, it is made clear that in case the authority wants to take any action against the petitioner they are free to do so strictly in accordance with the provisions of the Act, i.e., duly putting the petitioner on notice and giving her the opportunity of hearing and then pass a reasoned order.

7. With the above directions the Writ Petition stands disposed of.

(A. Abhishek Reddy , J)

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