

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.663 of 2022

In
Civil Writ Jurisdiction Case No.11512 of 2022

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Ram Krishna Social Welfare Trust Sitalpur, Fatehpur, Gaya, PIN- 824232
through its Secretary namely Arvind Kumar (Male), aged about 58 years, son
of Late Somar Prasad, Resident of Village- Wena, P.O. Wena, P.S. Wena,
District- Nalanda (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Health Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Health Department, Government of Bihar, Patna.
3. The Director-in-Chief (Nursing), Health Services, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Binod Kumar Mishra, Advocate
For the State	:	Mr.S.D. Yadav (AAG9)
		Mr. Anil Kumar Verma, AC to AAG-9

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 20-03-2025

Re: I.A. No. 01 of 2022

Heard I.A. No. 01 of 2022 for condonation of delay.

There is a delay of about 10 days in filing L.P.A. No. 663 of
2022.

2. For the reasons stated in the application read with



the affidavit, delay of about 10 days in filing L.P.A. No. 663 of 2022 stands condoned.

3. Accordingly, I.A. No. 01 of 2022 stands allowed.

L.P.A. No. 663 of 2022

4. The petitioner has approached this Court in filing CWJC No. 11512 of 2022 with the following relief:-

(i) For issuance of appropriate writ in the nature of mandamus commanding the Respondents (State Government) to grant and issue the necessary order of permanent recognition in favour of the petitioner institution as per the provision as contained in Bihar & Orisa Nurses Registration Act 1935 and the Nurses Training Recognition Affiliation and Conduct of Examination of School of Nursing Rules, 1997 for conducting ANM course in the petitioner's Nursing Institute namely Ram Krishna ANM Training School, Fatehpur, Gaya since the institution fulfilled each and every criteria for the same and in the view that the petitioner has approached for granting recognition for ANM course after the permission granted by the Health Department, Government of Bihar vide order contained in memo No. 1278 (6) dated 22/11/2018 but no decision has been taken and communicated to the petitioner by the Department on the issue of permanent recognition for conducting ANM course in Petitioner's Institution in the light of inspection report pursuant to the inspection dated 03/06/2019 by which petitioner Institution was inspected finally and recommendation was made for conducting ANM course against 60 seats by the Inspecting Team.



(ii) For issuance of direction to the respondents concerned to take a decision for granting permanent recognition of petitioners Institution in the light of Inspection report submitted after conducting inspection on 03/06/2019.

(iii) For issuance of any other relief/reliefs for which the petitioner is entitled in the eyes of laws.”

5. The learned Single Judge dismissed the petition on the sole ground that the petitioner has got no cause of action. No doubt, the learned Single Judge has committed an error insofar as issuance of a writ of mandamus to direct the respondents to take a decision on the grievance of the petitioner insofar as granting permanent recognition in the light of the inspection report dated 03.06.2019. In fact, respondents have slept over the matter for about three years.

6. In such an event, the petitioner has statutory right to seek a direction to complete the process on behalf of the respondents insofar as granting permanent recognition with reference to inspection report dated 03.06.2019, to that effect the learned Single Judge has committed error.

7. We could have issued a writ of mandamus to the concerned authority to take a decision pursuant to the inspection report dated 03.06.2019, however, the concerned respondent has



proceeded to pass an order on 12.03.2025 and the same has been placed on record along with the counter affidavit on behalf of the respondents. In the light of the aforementioned development, the present LPA do not survive for consideration.

8. Accordingly, the LPA stands disposed of reserving liberty to the appellant to assail the order dated 12.03.2025 before the appropriate forum in accordance with law.

(P. B. Bajanthri, J)

(Alok Kumar Sinha, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.03.2025
Transmission Date	NA

