

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14945 of 2025

Ashok Kumar Anal Son of Laxmi Prasad, Resident of Mohalla Khalasi Tola
near Petrol Pump Sampatchak, PO Gulzarbag, PS Alamganj, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Health Department,
Govt. of Bihar, Patna.
2. The Union of India through Drug Controller, General of India, FDA
Bhawan, Kotla Road, New Delhi 110002.
3. The State Drugs Controller, Sixth Floor, Swasth Bhawan, Sheikhpura, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Harshwardhan Sahay, Advocate
For the State	:	Mr. P.K. Shahi, Advocate General
For C.G.C.	:	Mr. Hariram Singh, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 09-02-2026

This writ petition in the nature of Public Interest

Litigation has been filed for following relief(s):

“(i) Respondents may be directed to make regular inspection of medical devices which are being sold by medical shops/Nursing Homes/Hospitals/Pathological Laboratories.

(ii) Respondents may be directed to make registration of Medical Shops/ Nursing Homes/Pathological Laboratories which are selling medical devices without any registration.

(iii) Respondents may be directed to notify laboratories which can test the



malfunctioning/Duplicate Medical Devices.

(iv) Respondents may be directed to appoint Licensing Authority under Rule 87 (A) of Medical Device Rule 2017 which came in force on 30.9.2022 and has never been appointed by State of Bihar.

(v) Respondents may be directed to make Online Drug Licensing System (ONDLS) in accordance with Rule 59 and Rule 64 of Drug Rule 1945 and Bihar Drugs Control Cadre Rule 2014.

(vi) Respondents may be directed to make ONDLS user friendly so that the ordinary applicants for License of Drugs can apply and get License quickly.

(vii) To quash notification as contained in Memo No.919 (15) dated 25.10.2024 whereby State Drugs Controller has been Licensing Authority under Rule 51 (i) of Drugs Rule 1945.”

2. The counter affidavit has been filed by respondent nos. 1 and 3, in which it is stated as follows:

“(6).That it is further manifest that under the garb of the demand for implementation of Medical Devices Rules, 2017, petitioner appears to have also a hidden agenda against the In-charge State Drug Controller, Bihar, Patna, as he has also sought for quashing the Health Department's Notification No.919(15) dated 25.10.2024(vide Annex-P/5) whereby and whereunder Nityanand Kishloya, Deputy Drug Controller, Drug Control Administration(HQ), Patna has been



authorized under working arrangement to act as working State Drug Controller-cum-Chief Licensing Authority, Bihar, Patna and D.D.O. of the Directorate of Drug Control Administration, Bihar, Patna.”

3. In view of such averments taken, we do not find that there is any violation of any of the provision of the rules and it appears to be personal interest litigation and accordingly, we are not inclined to pass any order.

4. The application stands disposed of.

(Sangam Kumar Sahoo, CJ)

(Alok Kumar Sinha, J)

guddukr/-

AFR/NAFR	
CAV DATE	
Uploading Date	10.02.2026
Transmission Date	

