

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13467 of 2017**

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Vikash Chandra Guddu Baba ... .. Petitioner/s

Versus

The State Of Bihar & Ors ... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Vikash Chandra Guddu Baba ( in Person)  
For the Respondent/s : Mr. Lalit Kishore -AG  
For Pollution Control Board: Mr. Shivendra Kishore, Sr. Advocate  
Mrs. Binita Singh, Advocate

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

ORAL ORDER

**(Per: HONOURABLE THE CHIEF JUSTICE)**

7    03-08-2018                      The order passed by the National Greens Tribunal,  
New Delhi is kept on record.

From the counter affidavit filed by the Bihar State Pollution Control Board and the averments made therein, we find that vide Annexure R-3/P dated 21.7.2018, various proposals have been made with regard to development of additional Common-Bio-Medical Waste Treatment Facilities and in the last two paras of this communication the following request has been made by the State Pollution Control Board to the Central Pollution Control Board, New Delhi and guidance and instructions have been sought for:

“It is also proposed that all the Medical College and Hospitals of the State having more than 50 beds be allowed to have their own captive treatment and disposal facility if they wish to do so. In this regard the condition of treatment and disposal of bio-medical waste through a



CBWTF only within 75 Km distance of it may be waived off. It would ensure proper and onsite treatment and disposal of bio-medical wastes by these bulk generators.

You are therefore requested to please advise this Board regarding the development of new CBWTFs in the State and allow the Government Medical Colleges and Hospitals to install captive treatment facilities so that proper treatment and disposal of bio-medical waste in the State may be ensured.”

Keeping in view the aforesaid, we direct that the Member Secretary, Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi be impleaded as a respondent. Necessary corrections be made in the cause title today and notice be issued to this respondent along with a copy of this order and a copy of the counter affidavit filed by respondent No.3 asking them to expedite consideration of the proposal sent by the Bihar State Pollution Control Board and submit a report to this Court with regard to their say in the matter.

That apart, in para 10 of the affidavit filed the averments have been made with regard to health care facilities being operated in the State without following the statutory Rules and looking to this aspect of the matter. The State Government should also respond and indicate as to what step the State Government proposes to take to put in place a proper system for taking care of the bio waste in accordance to the requirement of



Rule.

That apart, learned counsel appearing for the Bihar State Pollution Control Board invites our attention to an order passed by the National Greens Tribunal, New Delhi in Original Applicatroid No.507 of 2014 (Mahesh Dubey Vs. Chattisgarh Environment Conservation Board & Ors.) and the directions contained in para 40 thereto, the State Government and the Central Board to take note of the same and show cause as to why similar directions be not issued with regard to applicability of the provision in the State of Bihar also and why appropriate committees as indicated in the order passed by the National Greens Tribunal are not constituted and, if constituted, why they are not made effectively functional.

List the matter after three weeks.

**(Rajendra Menon, CJ)**

**(Rajeev Ranjan Prasad, J)**

K.C.Jha/-

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