

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

Vikash Chandra Guddu Baba

... .. Petitioner/s

Versus

The State Of Bihar and Ors.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vikash Chandra Guddu Baba (In Person)
For the Respondent/s : Mr. Lalit Kishore, Adv.
For the State : Mr. Anjani Kumar, AAG-4
For the C.P.C.B. : Mr. Lalitesh Mani, Adv.
For the B.S.P.C.B. : Mr. Abhimanyu Singh, Adv.

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

14 30-03-2026 Learned counsel for the respondent no. 3 at the inception has pointed out that in the counter affidavit filed by the respondent no. 3 duly sworn by Ashish Kumar Gupta, Environmental Engineer in Bihar State Pollution Control Board, Patna dated 26.03.2026, it has been wrongly mentioned as respondent no. 18 in place of respondent no. 3.

2. Learned counsel for the respondent no. 3 seeks permission to make the necessary correction.

3. Permission is accorded.

4. Let the same be done in course of the day.

5. In pursuance of the order no. 13 dated 25.02.2026, an affidavit has been filed by respondent no. 3, Bihar State Pollution Control Board by one Ashish Kumar Gupta, Environmental Engineer in the State Board in which it is stated



as follows:-

“5. That with respect to finalization of tender, it is humbly submitted that the competent inter-departmental committee of the State Board has finalized the tender and has awarded the tender for Setting up CBWTF at Gayaji and Bhagalpur to M/S Medial Pollution Control Committee, vide Ref. No. CL/07/2025/63 & CL/1653/2023/64, both dated 19.03.2026 respectively.

6. That in respect of setting up of CBWTF at Muzaffarpur and Madhubani, it is humbly submitted that the purchase committee of the State Board, for Muzaffarpur and Madhubani, found M/S Sattva Global Service Pvt. Ltd. to be the lowest bidder and accordingly selected as L1, however, M/S Sattva Global Service Pvt. Ltd. vide its letter dated 30.12.2025 withdrew from the tender process, therefore the purchase committee of the State Board in light of Rule 131W (XVI) of the Bihar Financial (Amendment) Rules, 2024, has issued offer to L2 for the said locations to work at the rate of L1 bidder.

7. That, similarly, in respect of setting up of CBWTF at Gopalganj and Purnia, it is humbly submitted that the purchase committee of the State Board, for Gopalganj and Purnia, found M/S Surya Centre Treatment Facility Pvt. Ltd. to be the lowest bidder and accordingly selected as L1, however, M/S S Surya Centre Treatment Facility Pvt. Ltd.,



vide its letter dated 31.12.2025 withdrew from the tender process, therefore the purchase committee of the State Board in light of Rule 131W (XVI) of the Bihar Financial (Amendment) Rules, 2024, has issued offer to L2 (M/S Medicare Environmental Management Pvt. Ltd.) for the said locations to work at the rate of L1 bidder.

8. That the State Board in order to implement the Rules, 2016, and for proper treatment of bio-medical waste has permitted setting up of four Common Bio-Medical Waste Treatment Facility in the State of Bihar. These are located in Patna, Muzaffarpur, Bhagalpur & Gaya. The details of the CBWTF are hereinbelow produced in table:

Sl. No.	Name/Address of CBWTF	Districts Covered	Capacity
1.	<i>M/S Indira Gandhi Institute of Medical Science (Operated by</i>	<i>Patna, Bhojpur, Buxar, Nalanda, Rohtas and Bhabhua.</i>	<i>Incinerator -250Kg/hr Autoclave-200 ltrs/batch Shredder-200 Kg/hr</i>
2.	<i>M/S Synergy Waste Management (P) Ltd. Jawaharlal Nehru Medical College Hospital, Bhagalpur.</i>	<i>Banka, Bhagalpur, Begusarai, Jamui, Khagaria, Lakisarai, Munger, Katihar, Purnea, Araria and Kishanganj.</i>	<i>Incinerator -300 Kg/hr Autoclave-300 ltrs/batch Shredder-300 Kg/hr</i>
3.	<i>M/S Medicare Environmental Management (P) Ltd. Muzaffarpur Industrial Area, P.O.-Bela,</i>	<i>Muzaffarpur, Sitamarhi, Sheohar, Vaishali, East Champaran, West</i>	<i>Incinerator -250Kg/hr Autoclave-648 ltrs/batch Shredder-</i>



	<i>Muzaffarpur</i>	<i>Champan, Saran, Siwan, Gopalganj, Darbhanga, Madhubani, Samastipur, Saharsa, Madhepura and Supaul</i>	<i>100 Kg/hr</i>
<i>4.</i>	<i>M/S Synergy Waste Management (P) Ltd., Anugrah Narayan Medical College, Gaya</i>	<i>Arwal, Aurangabad, Gaya, Jehanabad, Nawada & Sheikhpura</i>	<i>Incinerator -300Kg/hr Autoclave- 300 ltrs/batch Shredder- 300 Kg/hr</i>

9. That the CBWTF in compliance to the provisions of the Rules, 2016, submits Annual report to the State Board in Form IV appended to the Rules, 2016. As per the annual report submitted M/S Synergy Waste Management (P) Ltd, Bhagalpur, a total of 173418.45 Kg/per month of bio-medical waste was treated/disposed by the said CBWTF; by CWBTF at Gaya 51347.91 Kg/Month of bio-medical waste was treated/disposed; by CBWTF at Muzaffarpur 5572 KG/day of bio-medical waste was treated/disposed and by CBWTF at Patna 4989 KG/day of bio-medical waste was treated/disposed.

10. That the State Board in discharge of its duties and functions under the Rules, 2016, issues Authorization to hospitals, health care facilities, nursing homes etc. and accordingly the State Board has so far issued 27417 authorizations to HCFs and hospitals in State of Bihar.



11. That the State Board monitors and identifies HCFs and Hospitals on regular basis to ascertain the compliance of the Rules, 2016. Accordingly, based on the findings of the monitoring, show-cause notices were issued to the respective hospitals/HCFs. The State Board has issued 3616 such show-cause notices (PCD) to health care facilities for non-compliance of the provision of the Rules, 2016, through newspaper notice published on 1" of July' 2025, in prominent newspaper like, Hindustan Times; the Times of India; Prabhat Khabar & Hindustan. In compliance to the show-cause notice, compliances have been made by 166 HCFs and the State Board is taking steps to make the remaining HCFs comply with the Rules, 2016, and accordingly has forwarded the list of HCFs which have obtained authorization from the State Board under Rules, 2016, to the District Magistrates-cum-Chairman District Level Monitoring Committee, Bio-Medical Waste Management, to take action against the HCFs which are not present in the list.

12. That the State Board continuously creates awareness amongst the HCFs/hospitals etc. regarding disposal of the bio-medical waste in accordance with the provisions of the Rules, 2016, through newspaper advertisement, radio jingles, awareness programs, campaigns etc.”

6. This Court under order dated 25.02.2026 quoted



different provisions of Bio-Medical Waste Management Rules, 2016, which *inter-alia* provides the duties of the occupier in Rule-4, duties of the operator of a Common Bio-Medical Waste Treatment and Disposal Facility in Rule-5, duties of authorities as per Rule-6, Treatment and Disposal as per Rule-7, segregation, packaging, transportation and storage as per Rule-8 and prescribed authority as per Rule-9 who are to implement the provisions of the rules.

7. In the counter affidavit which has been filed by one Ashish Kumar Gupta, Environmental Engineer, since it has been specifically mentioned that show-cause notices were issued in 3616 numbers to the Health Care Facilities (in short 'HCF') for non-compliance of the provisions of 2016 Rules through newspapers and only compliances have been made by 166 HCF, we made a pertinent query to the learned counsel for the Board as to how the authorities came to be satisfied that there has been compliance made by 166 HCF, inasmuch as, no details have been mentioned in the affidavit itself.

8. The learned counsel for the Board seeks sometime to apprise this Court in detail by filing another affidavit in that respect.

9. On perusal of the affidavit, it is apparent that 3450-HCF have not yet responded to the show-cause notice issued by the State Board.



Rule 12(4) of 2016 Rules provides for the State Government to constitute District Level Monitoring Committee in the districts, under the Chairmanship of District Collector or District Magistrate or Deputy Commissioner or Additional District Magistrate to monitor the compliance of the provisions of the rules in the HCF generating bio-medical waste and in the common bio-medical waste treatment and disposal facilities, where the bio-medical waste is treated and disposed off. Sub Rule (5) of Rule 12 of 2016 Rules provides that the District Level Monitoring Committee constituted under Sub-Rule (4) shall submit its report once in six months to the State Advisory Committee and a copy thereof shall also be forwarded to the State Pollution Control Board or Pollution Control Committee concerned for taking further necessary action.

10. We have been informed by the learned counsel for the Board that in each of the districts, District Level Monitoring Committee is functioning. However, the learned counsel is unable to say whether such Committee is submitting its reports once in six months to the State Advisory Committee or not in view of Rule 12(5) of 2016 Rules. As per the 2016 Rules, in the definition Chapter, “Act” means the “Environment Protection Act, 1986” (hereafter ‘1986 Act’). Rule 18 of 2016 Rules provides for the liability of the occupier or an operator of a common bio-medical waste treatment facility wherein it is



clearly stated that the occupier or an operator of a common bio-medical waste treatment facility shall be liable for all the damages caused to the environment or public due to improper handling of bio-medical waste. It further provides that the occupier or the operator of common bio-medical waste treatment facility shall be liable for action under Section 5 and Section 15 of the 1986 Act. Section 5 of the 1986 Act empowers the Central Government to issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such direction. The power to issue direction includes the closure, prohibition or regulation of any industry, operation or process, stoppage or regulation of the supply of electricity or water or any other service. Similarly, section 15 of 1986 Act deals with penalty for contravention of the provisions of the Act, Rules, Orders and Directions.

Therefore, from the affidavit filed by the State Board, it is very much clear that 3450 Health Care Facilities have not complied with the provisions of 2016 Rules and has not taken any steps in spite of the fact that show-cause notices were issued to them and there is a State Level Monitoring Committee as per Section 12 constituted in every district as submitted by the learned counsel for the State Board to take action against them.

11. The right to a clean and healthy environment is an



inseparable part of the Right to Life guaranteed by Article 12 of the Constitution of India. The Courts have repeatedly reminded that the State has a duty to protect the environment and thereby to ensure the well-being of all the citizens. Therefore, the time is ripe to implement & protect the Right guaranteed under Article 21 of the Constitution of India. Once the activity carried on is hazardous or inherently dangerous, the person carrying on such activity is liable to make good the loss caused to any other person by his activity irrespective of the fact whether he took reasonable care while carrying on his activity.

12. In the affidavit, a series of letters, dated 19.03.2026 are annexed as Annexure R/18-A, which were issued by the Member Secretary, Bihar State Pollution Control Board to the District Magistrate-cum-Chairman, District Level Monitoring Committee.

13. Let an affidavit be filed by the next date by a responsible officer of State collecting data from each District Magistrate-cum-Chairman, District Level Monitoring Committee of all the districts, as to what action has been taken in respect of those 3450 Health Care Facilities for non-compliance of the directions of the State Board, so also the provisions of the 2016 Rules and the 1986 Act. The actions taken in consonance with the provisions under Section 5 and 15 of 1986 Act against such Health Care Facilities shall be clearly



mentioned in the affidavit.

14. The Member Secretary, State Pollution Control Board is present through virtual mode as per the previous order dated 25.02.2026.

15. The petitioner, Vikas Chandra @ Guddu Baba is present in-person and a copy of the counter affidavit filed by the respondent no. 3, Bihar State Pollution Control Board is handed over to him.

16. Mr. Anjani Kumar, learned Additional Advocate General-4 is also present and seeks some time to obtain necessary instructions from all the District Level Monitoring Committee and file an affidavit through a responsible officer regarding the holding of meetings and submission of report to the State Pollution Control Board and the action taken against the occupiers, operators of the Health Care Facilities, who were found flouting the provisions of 2016 Rules.

17. The learned AAG-4 representing the State shall also obtain instruction from each of the District Level Monitoring Committee which is headed by the District Collector regarding the action taken against the Health Care Facilities in response to the series of letters addressed by the Member Secretary of the Board.

18. The copy of the writ petition alongwith all the counter-affidavits filed so far, including the counter affidavit



filed by respondent no. 3, dated 25.03.2026, alongwith the order no. 13, dated 25.02.2026 and today's order be handed over to Mr. Anjani Kumar, learned Additional Advocate General-4 by 01.04.2026.

19. The name of Mr. Anjani Kumar, learned Additional Advocate General-4 be reflected in the cause list henceforth.

20. In view of the urgency, list this matter on 20.04.2026.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

supratim/-

U			
---	--	--	--

