

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

Vikash Chandra Guddu Baba

... .. Petitioner

Versus

The State of Bihar and Ors.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Vikash Chandra Guddu Baba (In Person)
For the State	:	Mr. Anjani Kumar, AAG-4
For the C.P.C.B.	:	Mr. Lalitesh Mani, Advocate
For the B.S.P.C.B.	:	Mr. Shivendra Kishore, Sr. Advocate Mr. Abhimanyu Singh, Advocate

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

(Per: HONOURABLE THE CHIEF JUSTICE)

15 20-04-2026 As per previous order dated 30.03.2026, we directed a responsible officer of the State to file an affidavit collecting data from each District Magistrate-cum-Chairman, District Level Monitory Committee of all the Districts.

In pursuance of such order, the Civil Surgeon, Dr. Rajiv Kumar, Samastipur has filed an affidavit on behalf of District Magistrate, Samastipur wherein it is stated as follows:

“8. That it is stated that within the district of Samastipur, there is 107 Nursing Homes and 85 Pathology Units registered with the district authorities. That it is humbly stated that the registration is required for the is



hospitals maintaining more than 40 beds as per the Clinical Establishment Rules, but those who are operating on less than 40 beds are also required to maintain the specification such as Bio-safety, Bio-Medical facility waste disposal facility, pollution certificate, etc. That the, respondent authorities are taking strict action against Health Care Facilities operating in the district not recognized or license holder regularly.

9. That as far as the removal and disposal of the Bio-Medical waste is concerned, an Agency has been appointed to pick up the waste from the different hospitals/institutions of the district and get it disposed it in the Bio-Medical Waste treatment plant in the Muzaffarpur. The name of the Agency is Medicare Environment Pvt. Ltd., Muzaffarpur. That for kind reference communication is being produced contained in Letter No.1602 dated 14.12.2023 issued by the Civil Surgeon-cum-Chief Medical Officer, Samastipur directing the Medicare Environmental Pvt. Ltd., Muzaffarpur to collect and dispose of the Bio-Medical waste two times a day. The Agency was also asked show cause for the picking of the Bio-Medical waste is only one time in a day. The Agency has replied to the aforesaid show cause notice.

10. That pursuant to the complaint with regard to illegal operations of Health Center in Mohinuddinnagar, an inspection was made and found that altogether seven Nursing Homes are running in violation of Bio-Medical



Waste Management Rules, 2016 and FIR has also been lodged upon them in the year 2025. The compliance report of lodging an FIR upon the seven Nursing Homes in the Mohinuddinnagar, Samastipur is sent vide Memo No.2251 dated 20.06.2025 along with the FIR of Mohinuddinnagar P.S. Case No.126 of 2025.

11. That after the lodging of the FIR, the respondent authorities of the Samastipur district have sealed the seven Nursing Homes and X-Ray Units which was also informed to the Civil Surgeon, Samastipur vide Letter No. 245 dated 10.09.2025.

12. That similarly about 41 Pathology Centers who are running in violation of the provisions have also been closed and an information to this respect has been sent to the Health Department, Government of Bihar vide Letter No.1984 dated 13.06.2023.

13. That in Kalyanpur Block also during the inspection it was found that altogether seven Nursing Homes were working without adherence to the provisions of Bio-Medical Waste Rules, fire safety or other requirements under the Clinical Establishment Act, therefore, the Civil Surgeon vide Memo No.1772 dated 16.05.2025 has issued direction to take appropriate action and lodge an FIR against the aforesaid Nursing Homes, further vide Letter No.115 dated 24.05.2025 an FIR bearing Kalyanpur P.S. Case No.212 of 2025 was lodged for several violations of Clinical Establishment Act and for



violation of Bio-Medical Waste Management Rules, 2016.

14. That as far as the District Level Monitoring Committee under the Chairmanship of the Collector, Samastipur is concerned, the respondent authorities regularly conduct a meeting and review and on 07.02.2026 a meeting was convened. That vide Memo No.2264 dated 06.02.2026 an information in this regard has been circulated wherein on 07.02.2026 meeting was attended by the Collector, Samastipur, DDC, Samastipur, Civil Surgeon, Samastipur, Town Commissioner, Samastipur, DPO, Samastipur and other concerned including the Medicare Pvt. Ltd., who is the Agency appointed for removal and disposal of Bio-Medical waste. That in the meeting dated 07.02.2026 the issue was raised with regard to the private hospitals and laboratories who are functioning under provisions of Clinical Establishment Act and necessary direction was issued that the Bio-Medical waste produced by these institution shall be disposed of in accordance with the Bio-Medical Waste Management Rules, 2016. That a direction was issued to the Civil Surgeon, Samastipur to prepare and maintain a list of all private clinics, hospitals, labs, blood banks who are to ensure their functioning in strict adherence to the Clinical Establishment Act and Bio-Medical Waste Management Rules, 2016. That the authorities of the Bihar State Pollution



Control Board, Begusarai was also directed to take necessary action in accordance with the law. That the Agency Medicare Pvt. Ltd. was directed to ensure the uplifting of Bio-Medical Waste as per the terms and conditions of the agreement and dispose of the same in accordance with law. A proceeding in this regard contained in memo No. 2336 dated 6.02.2026 and was circulated to all for compliance.

15. That further the Civil Suregon, Samastipur vide Letter No. 109 dated 10.04.2026 has issued necessary direction that all the Health Care Facilities who are producing any kind of Bio-Medical waste and the occupier of the institution has to obtain authorization from the Bihar State Pollution Control Board, strictly and to report to the District Level Monitoring Committee constituted as per rule 12 (4) of the Rules, 2016.”

So far as District - Kishanganj is concerned, affidavit has been filed by one Raj Kumar Choudhary, Civil Surgeon, Kishanganj on behalf of District Magistrate, Kishanganj wherein in paragraph Nos. 7, 8, 9 and 10, it is stated as follows:

“7. That it is most humbly and respectfully stated and submitted that it has been informed by the Member Secretary, Bihar State Pollution Control Board, Patna vide his letter no 1037, dated 19.03.2026 that a total 337 Health Care Facilities (H.C.F.) of this district has obtained authority from the



Bihar State Pollution Control Board, Patna as per Rule-10 of Bio-Medical Waste Management Rules, 2016 and further sought list of other illegal Health Care Facilities (H.C.F.) other than above mentioned list of 337 running in the district.

8. That it is most humbly and respectfully stated and submitted that after enquiry, it has been found that there are seven illegal Health Care Facilities (H.C.F.) other than above mentioned list of 337, which is running in the district and accordingly it has been reported by this deponent vide letter no. 1173 dated 10.04.2026 to the Member Secretary, Bihar State Pollution Control Board, Patna.

9. That it is most humbly and respectfully stated and submitted that all seven illegal Health Care Facilities (H.C.F.) has been imposed by fine of Rs. 50000/- (Fifty Thousands) each as a total Rs. 350000/- (Three Lakhs Fifty Thousands) under the provisions of Bihar Clinical Establishment (Registration and Regularization) Rules, 2013, which is also under the provisions of section 15 of Environment Protection Act, 1986 vide memo no 3350, 3352, 3353 dated 10.12.2025 and memo nos. 3441, 3442, 3443, 3444 dated 19.12.2025 and pertaining to that, fine of Rs. 250000/- (Two Lakhs Fifty Thousands) has been also deposited by five of them and rest two non-complying Health Care Facilities (H.C.F.) has been imposed by enhanced fine of Rs.100000/- (One



Lakh) each. It is most humbly and respectfully further stated and submitted that all seven illegal Health Care Facilities (H.C.F.) has been also warned that a fine of Rs. 200000/-will be imposed each in case of further stated and submitted that repetition of irregularities. It is most humbly and respectfully further stated and submitted that the process of sealing of two non complying Health Care Facilities (H.C.F.) is in progress and the entire matter has been reported to the Member Secretary, Bihar State Pollution Control Board, Patna.

10. That it is most humbly and respectfully stated and submitted that eight other Health Care Facilities (H.C.F.) were also found among above mentioned list of 337, which were violating the different rules, hence those has been imposed by fine of Rs. 50000/- each as a total Rs. 400000/- (Four Lakhs) under the provisions of Bihar Clinical Establishment (Registration and Regularization) Rules, 2013, which is also under the provisions of section 15 of Environment Protection Act, 1986 vide memo no 3337 dated 09.12.2025, memo no. 3348, 3349, 3351 dated 10.12.2025, memo no 3439, 3440 dated 19.12.2025 and memo no. 188 dated 19.01.2026 and pertaining to that, fine of Rs. Rs. 350000/- (Lakhs Three Fifty Thousands) has been also deposited by seven of them and rest our non-complying Health Care Facility (H.C.F.) been has imposed by



enhanced fine of Rs. 100000/- (One Lakh). It is most humbly and respectfully further stated and submitted that all eight Health Care Facilities (H.C.F.) has been also warned that a fine of Rs. 200000/- will be imposed each in case of repetition of irregularities. It is most humbly and respectfully further stated and submitted that the process of sealing of two non-complying Health Care Facilities (H.C.F.) is in progress and the entire matter has been reported to the Member Secretary, Bihar State Pollution Control Board, Patna.”

2. Learned Senior Counsel, Mr. Anjani Kumar, AAG-4, has placed the affidavits and further pointed out the copy of the minutes of the meeting held on 07.02.2026 which has been brought on record as Annexure-G series to the counter affidavit filed on behalf of District Magistrate, Samastipur.

3. The petitioner, Vikas Chandra @ Guddu Baba is present in person and submits that he has received the counter affidavits filed on behalf of District Magistrate, Samastipur and Kishanganj.

4. Mr. Anjani Kumar, learned AAG-4 further submits that instruction has been received from Katihar, Aurangabad, Rohtas, Saran and Sitamarhi Districts and the necessary affidavits, as per the order dated 30.03.2026, shall be filed



within a week. So far as the other districts are concerned, no specific instructions have been received, except District-Nalanda wherein a request has been made for a short adjournment.

5. Learned counsel for the State seeks time to file the affidavits in respect of the remaining districts.

6. Counter affidavit has been filed by the learned counsel appearing on behalf of Respondent No.3, Bihar State Pollution Control Board, wherein in paragraph Nos. 5 to 7, 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 Services 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.”

7. Mr. Shivendra Kishore, learned Senior Counsel appearing for the Bihar State Pollution Control Board after placing those relevant paragraphs, also placed the notice dated 15.04.2026, which has been issued to the remaining H.C.Fs., who have not yet obtained authorization from the Board and the notice indicates that in all those cases, date has been fixed to 15.05.2026 for hearing and final response.



8. List this matter on 15.06.2026.

9. Learned counsel for the Pollution Control Board shall apprise this Court regarding the development, if any, that has taken place in the meantime by filing an affidavit to that effect by a responsible officer of the Bihar State Pollution Control Board.

10. Learned counsel for the State shall also file the affidavits as directed in the order dated 30.03.2026 of the remaining districts.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

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