

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4616 of 2025

Dr. Shyam Sunder Singh

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Ms. Shilpi Keshri, Adv. Mr. Chandra Sekhar Kumar Singh, Adv.
For the Respondent/s	:	Ms. Akanksha Verma, Adv. Mr. Raisul Haque, SC-10

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-03-2025 Learned Counsel for the petitioner and Learned Counsel for the State are present.

2. Mr. Anjum Akhtar, Deputy Director, AYUSH, Health Department, Government of Bihar, Patna, along with his assistant present, in person.

3. The present writ petition has been filed for quashing of letter No. 1042, dated 20.09.2024 issued by the Officer on special duty (OSD), Health Department, Bihar, Patna, by which the petitioner was removed from the post of Nodal Officer along with other reliefs.

4. Learned Counsel for the petitioner submits that vide letter No. 641 dated 27.06.2024, the petitioner was appointed as departmental Nodal Officer to conduct the counseling for admission of NEET qualified candidates in the academic session 2024-25 in the Government and non-



Government AYUSH (Ayurveda, Unani and Homeopathy) colleges functioning in the State of Bihar.

5. Counsel for the petitioner further submits that the role of Nodal Officer is to conduct counseling for Bihar Combined Entrance Competitive Examination Board (hereinafter referred to as BCECEB) and further to co-ordinate between Health Department, BCECEB and Government of India. Counsel submits that presently an Act, namely, The National Commission for Homeopathy Act, 2020 (Act No. 15 of 2020) has been enacted and notified in the Gazette on 21.09.2020 to deal with the medical education system to the homeopathy medical professionals throughout the country. Under the said Act, National Commission for Homeopathy has been established having its headquarter at New Delhi. Counsel further submits that vide letter No. 9737 dated 11 November 2022, the National Commission for Homeopathy issued the letter to the Admission Regulatory Authority, Department of Health, Government of Bihar, Patna, with regard to illegal admissions in BHMS Course by the Homeopathy Medical Colleges and Hospitals and complaint has been received that Homeopathy Colleges are admitting students illegally who did not appear in the NEET examination and they are violating the



specified provisions for taking admissions and counseling as prescribed in National Commission for Homeopathy Act, 2020 (NCH, Act) and also in violation of Hon'ble Court order dated 25.03.2022, passed in W.P. No. 4978 of 2022.

6. Counsel for the petitioner further submits that upon enquiry it has been found that the said colleges have taken admission of 55 students in illegal manner. Further, a complaint has also been received in the year 2023 that the private colleges for AYUSH (Ayurveda, Unani and Homeopathy) are also taking admission of students illegally without qualifying of NEET examination for different sessions, i.e., 2019-20, 2020-21, 2021-22, 2022-23. Counsel submits that further in this regard, the Ministry of AYUSH issued a letter contained in Memo No. 59 dated 15.01.2019 through Deputy Secretary, Department of Health, Government of Bihar, intimating to all concerned by press release that admission in Government and non-Government colleges of AYUSH can only be given to the candidates who passed NEET examination as per the direction of AYUSH, Government of India. Counsel further submits that on the application of one Shrinath Singh, action has been taken by Officer on Special Duty, Health Department, Government of Bihar by a letter contained in Memo No. 288 dated 11.03.2024



by which a committee had been constituted consisting of directors of Ayurveda, Unani and Homeopathy, AYUSH Directorate to investigate the matter which is still under consideration. Counsel submits that the petitioner who has been appointed as Nodal Officer vide order contained in Memo No. 641, dated 27.06.2024 issued a letter to all homeopathy medical colleges in compliance of letter No. 2093/2023 dated 14.11.2023 issued by BCECEB, Patna to different principals of homeopathy colleges to furnish the details of actual enrollment till stray vacancy round 1 of the academic session 2023-2024 and the details of remaining seats, along with the statement of annual gross fee / other fee in gross and availability of girls/boys hostels and detailed information related to affiliation with Bihar Health Science Universities (Bihar Gyan Vishwavidyalay). The said letter has been issued vide Memo No. 176, dated 21.11.2023. Counsel submits that since the said letters have been received by the different colleges, one complaint has been filed against him before the Special Executive Officer, Health Department, Government of Bihar. In this regard, a letter dated 19.09.2024 has been issued to the complainants to file the affidavit and provide the evidence for enquiry. The petitioner has filed his reply on 23.09.2024 in



which it has been alleged by the petitioner that he has been removed either without consideration of his show cause, dated 23.09.2024 or waiting of the response of 15 days time provided to the complainant. Counsel further alleged that upon receiving the complaint on 23.09.2024, the Special Executive Officer has issued a back dated letter dated 20.09.2024 by which the petitioner has been removed and this is the letter impugned.

7. It transpires to this Court that the letter of appointment to the petitioner has been issued on 27.06.2024 by the Special Secretary (Special Executive officer, namely, Renu Kumari), removal letter has also been issued by he same officer and letter to the complainant has also been issued on 30.08.2024 by the said officer.

8. Upon perusal of those above-mentioned documents, it transpires to this Court that the matter is relating to admission of students in homeopathy colleges which is most urgent and only one officer who are playing the role in the entire matter. Therefore, it has been instructed to call the said official, namely, Renu Kumari, Special Executive Officer in the Court today itself to resolve the issue so that no delay could be made in hearing the case, as the matter is relating to admission of students in colleges.



9. On the request of Counsel for the State, this writ petition was fixed at 12:30 PM today itself. Counsel assures that he shall intimate to the officer and if the officer shall be available definitely she will come to assist the Court.

10. Upon call on 12:30 PM, it has been intimated by Counsel for the State that the Special Secretary / Special Executive Officer (Renu Kumari) is on leave today, and therefore, unable to attend the Court, but in the place of the said officer, Deputy Director, AYUSH, Health Department, Government of Bihar, namely, Mr. Anjum Akhtar along with his assistant has appeared, in person.

11. Mr. Anjum Akhtar, Deputy Director, through advocate, submits that he is aware that the petitioner was appointed as Nodal Officer vide order dated 27.06.2024 issued by the Special Executive Officer / Special Secretary (Renu Kumari), Department of Health. He fairly intimated to this Court through his advocate that he is unable to assist on this point that even after receiving the complaint dated 18.07.2024 by the Federation of Medical College, to whom the said respondent No. 4, Special Executive Officer (Renu Kumari) and other official demanded 15 days time to ascertain about the said complaint on oath and also demanded evidences but prior



to that without any material, removed the petitioner from the said post on 20.09.2024.

12. It transpires to this Court that such action which was taken place by the Special Executive Officer, is in gross violation of natural justice. It also transpires from the pleadings that the petitioner, who was holding the post of Class- I officer and the said Special Executive Officer / Special Secretary who issued the order is definitely not the appointing authority for him. It also transpires to this Court that the matter in which investigation is pending, particularly relating to admission in the homeopathy medical colleges is a sensitive issue and the petitioner who issued letter, demanding documents from the medical colleges in accordance with National Commission of Homeopathy Act, 2020. Demanding documents from the medical colleges by the Nodal officer in the light of press release for public at large issued by the Authority is a correct and legal steps to stop the illegal admission in homeopathy colleges. But instead of providing those documents to the Nodal Officer, the colleges from whom those documents were demanded by the the said Nodal Officer, filed complaint and the said Executive Officer has taken action under the influence of the Federation of Medical Colleges without verifying the same



in spite of the fact that verification was demanded by the said Officer from the colleges on the same day in which 15 days time was granted by letter dated 19.09.2024, and taken action for removal on 20.09.2024 is really unfortunate and in gross violation of natural justice.

13. This Court shall not permit to continue such illegality at the hand of the Special Executive Officer and feels that intense enquiry is required in this matter. This Court finds that injustice took place with the petitioner which shall be resulted into affect the career of the students who have successfully competed in the NEET examination in the future. Hence, this Court feels it necessary to interfere in the said order issued by the Special Executive Officer. Therefore, the said letter issued by the Special Executive Officer, dated 20.09.2024 is hereby stayed, till further order.

14. The Additional Chief Secretary, Department of Health, Government of Bihar, is hereby directed to look into this matter seriously and submit a report to this Court within 60 days.

15. It is made clear that the said report shall be submitted after conducting an enquiry from an officer not below the rank of Secretary other than the Health Department.



16. The Additional Chief Secretary, Health Department, is hereby directed to restrain the Special Executive Officer / Special Secretary (Renu Kumari), who has issued the letter No. 1042 dated 20.09.2024 from doing any work of AYUSH Directorate till submission of Enquiry report with a view to conduct the independent enquiry in this matter.

17. Counsel for the State is hereby directed to file counter-affidavit within 70 days.

18. List this case on 16.06.2025.

(Dr. Anshuman, J)

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