

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18009 of 2019

M/s Jahanvi Medical Hall Proprietor Jivesh Kumar S/o Sri Dharamdev Thakur, Premises situated at Main Road, Rosera, Samastipur, R/o Ward No.15, P.S.- Rosera, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, New Secretariat, Patna.
2. That State Drug Controller-cum-Chief Licensing Authority, New Secretariat, Bihar, Patna.
3. The Assistant, Drug Controller-cum-Licensing Authority, Drug Control Administration, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ram Shankar Das, Adv.
For the Respondent/s : Mr.Nagendra Prasad Yadav (SC23)

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT
Date : 24-06-2026

1. The Writ petition is filed for the following reliefs:

i. To quash the order dt. 29.07.2019 as contained in Memo no. 488 passed by the Assistant, Drug Controller Cum Licensing Authority, Drug Control Administration, Samastipur, by which the Drug Licence of the medicinal Shop of the petitioner has been cancelled without considering the material available on the record & illegally on non-est ground.

ii. To treat the retail licence of the petitioner,



No.SMT/56/2014 & SMT/56A/2014 (Form 20) and Form 21 which was issued on 12.05.2014 to be valid and operative till 11.05.2019.

iii. To direct the respondents to restore the license of the petitioner forthwith on the ground that the petitioner has not violated any act and rules there under as well as the provision under Drugs & Cosmetics Act. The Licensing authority illegally with malafide and ulterior motive cancelled his license on the ground that the chalan was not deposited in treasury with late fine whenever the petitioner already produced the relevant documents regarding I.D proof, Aadhar card, pan card, mobile number and Aadhar Card of competent person as well as mobile number including qualification of competent authority with registration and photocopy of Licence/Pharmacist.

2. This Court, vide order dated 23.10.2019, granted stay of the operation of the impugned order contained in Annexure-6 to the Writ application. The contents of the writ application clearly disclose that the licence of the petitioner was issued on 12.05.2014 for a period of five years and, in fact, its validity period was



cancelled with effect from the date of issuance of the said license. The petitioner submitted that the *challan* for renewal of the licence was produced before the Assistant Drug Controller. Despite production of a valid copy of the *challan* and the renewal application, the Assistant Drug Controller cancelled the license w.e.f. the date of its issuance. The said fact cannot be permissible under the law. Considering the illegality done by the Assistant Drug Controller, this Court had granted stay of the operation of the impugned order, and the petitioner has continued to run the medical shop till date.

3. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents, and perused the record.

4. However, this Court considered that an alternative effective remedy is available to the petitioner by way of preferring an appeal before the State Health Department/concerned authority. Without availing the said remedy, the present Writ petition has been filed.



5. Taking into consideration that the petitioner has an alternative remedy, he is directed to prefer an appeal before the concerned authority within one month from the date of receipt of this order. In turn, the concerned authority shall consider the entire material available on record and pass an appropriate order within three months from the date of filing of the appeal. Further, this Court directs the respondent authorities to maintain status quo till the appeal is disposed of.

6. With the aforesaid observation, the Writ petition stands disposed of.

7. Interlocutory Application, if any, shall disposed of.

(G. Anupama Chakravarthy, J)

AMANDEEP/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	24.06.2026
Transmission Date	

