

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-24227-2021 (O&M)
Date of decision :18.10.2023

DR. IQBAL SINGH

...Petitioner

Versus

STATE OF U.T., CHANDIGARH AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Japjit Singh Johal, Advocate
for the petitioner.

Mr. Parminder Singh Kanwar, Addl. Standing counsel
for the respondent-U.T. Chandigarh.

HARSH BUNGER, J.

1. Petitioner (Dr. Iqbal Singh) has filed the instant writ petition under Articles 226/227 of the Constitution of India, seeking a writ in the nature of *certiorari* for quashing/setting aside the order dated 19.05.2021 (Annexure P-8) passed by respondent No.3-Appropriate Authority under the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (here-in-after called as 'the PC & PNDT Act, 1994'); whereby, the authorization dated 19.02.2021 (Annexure P-6) granted to the petitioner to perform ultrasonography at Apollo Clinic (Pritika Industries Ltd.) SCO 10-11, Sector 8-C, Chandigarh, has been cancelled.

A further prayer has been made for quashing the order dated 04.10.2021 (Annexure P-9) passed by respondent No.2-Secretary Health-cum-Central Appellate Authority, Union Territory, Chandigarh under the PC & PNDT Act, 1994; whereby, the appeal filed by the petitioner against aforesaid order dated 19.05.2021 (Annexure P-8) has been dismissed.

Another prayer has been made for directing the respondents to resume the authorization dated 19.02.2021 (Annexure P-6) granted to the petitioner to perform ultrasonography at Apollo Clinic (Pritika Industries Ltd.), SCO 10-11, Sector 8-C, Chandigarh.

2. Briefly, the petitioner is a Registered Medical Practitioner with an MBBS Degree and claims that he is a practicing doctor for more than 40 years. The petitioner had started performing ultrasonography at 'Raja Diagnostic Centre and Hospital', Nawanshahr and in support of his plea, he relies upon Annexure P-2, which is a certificate given by the said Raja Diagnostic Centre and Hospital, Nawanshahr. As per the petitioner, he started his own Ultrasound Centre namely, Sidhu Memorial Ultra Sound Centre, Ferozepur Cantt., Punjab and was granted Certificate of Registration dated 20.08.2006 (Annexure P-3) for performing Ultrasonography and running the afore-said Ultrasound Centre for a period of five years w.e.f. 21.08.2006 to 20.08.2011. The said registration is stated to have been renewed vide Annexures P-4 and P-5 upto 07.08.2021. It is the case of the petitioner that he was given authorization by the appropriate authority (respondent No.3) to perform Ultrasonography at Apollo Clinic, Chandigarh, vide authorization dated 19.02.2021 (Annexure P-6). It is stated that thereafter, the petitioner applied for sealing of the Ultrasound machine at his Centre namely, Sidhu Memorial Ultra Sound Centre, Ferozepur Cantt. Punjab as he had shifted to Chandigarh and also in view of the *Covid-19 pandemic*.

3. It appears that vide an order dated 19.05.2021 (Annexure P-8) passed by the Appropriate Authority under the PC & PNDT Act, 1994, the authorization dated 19.02.2021 (Annexure P-6) given to the petitioner to

carry out Ultrasonography at Apollo Clinic, Chandigarh, was cancelled on the ground that he does not qualify for the registration in terms of the requirements laid down under Rule 3 of the PC & PNDT Rules, 1996 (for short 'the Rules, 1996'). The petitioner was further directed to submit the qualification certificate/testimonial in terms of the requirements laid down under Rule 3 of the Rules, 1996 (if any).

4. Being aggrieved against the afore-said order dated 19.05.2021 (Annexure P-8), the petitioner filed an appeal before the Secretary Health-cum-Central Appellate Authority under the PC & PNDT Act, 1994 and Rules, 1996, which was dismissed by the said Appellate Authority vide order dated 04.10.2021 (Annexure P-9).

5. In the afore-mentioned circumstances, the petitioner has filed the instant writ petition before this Court.

6. Upon issuance of notice of motion in this case, the respondent authorities had put in appearance and submitted their written statement.

7. Learned counsel for the petitioner, while reiterating the facts mentioned in the petition, submits that the impugned orders are liable to be set aside as no opportunity of hearing was afforded to the petitioner before passing the impugned order dated 19.05.2021 (Annexure P-8) by the Appropriate Authority. It is submitted that the impugned action of the authorities has rendered the petitioner without the work. Learned counsel for the petitioner contends that the petitioner was running his centre prior to 2006; whereas, the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) (Six Months Training) Rules, 2014 (for short 'the Rules, 2014'), were enforced in the year 2014 and Rule 6(2) thereof prescribes eligibility for training. The petitioner claims that in terms of the

said Rule, he would fall in the exempted category as he is having practice of more than 40 years as a Medical Practitioner. The contention of the petitioner is that in terms of Rule 6(2) of the Rules *ibid*, he is liable to qualify the competency based assessment (specified in Schedule II); however, he is not liable to undertake six months' training. Learned counsel for the petitioner has placed reliance upon an order dated 07.02.2020 (Annexure P-10) passed by the Hon'ble Supreme Court in ***SLP(C)No.3058/2020*** titled as ***Anil Wasti and others vs The State of Chattisgarh and others***; wherein, an interim direction had been issued to the effect that no penal action will be taken against a doctor, who has put in practice for not less than 15 years, in case, he does not take the proposed examination. It is contended on behalf of the petitioner that the afore-said interim order (Annexure P-10) passed by the Hon'ble Supreme Court in ***Anil Wasti's*** case (*supra*), clarified the position that an MBBS Doctor, with a practice of 15 years, is not required to pass the competency based examination referred to in Rule 6(2) of the Rules, 2014; therefore, the petitioner is also not required to give the competency based examination. It is next submitted by learned counsel for the petitioner that pursuant to the interim order passed by the Hon'ble Supreme Court in ***Anil Wasti's*** case (*supra*), the State of Haryana had already issued a direction for its implementation, vide its letter dated 23.04.2021 (Annexure P-11) and even the High Court for the State of Rajasthan at Jodhpur, has passed an order dated 28.10.2021 (Annexure P-12) clearly indicating that no penal action be taken against those who have put in more than 15 years of practice, in case they do not take the proposed examination under the Rules, 2014. Accordingly, it is contended that the impugned orders be set aside and an

appropriate direction be issued for resuming the authorization dated 19.02.2021 (Annexure P-6) granted to the petitioner to perform Ultrasonography at Apollo Clinic, Chandigarh.

8. On the other hand, learned counsel appearing for the respondent-authorities has opposed the prayer of the petitioner, by submitting that initially the petitioner was granted authorization on 19.02.2021 (Annexure P-6) for performing Ultrasonography at Apollo Clinic, Chandigarh. However, when it came to the notice of the Appropriate Authority under the Act, 1994 that the petitioner does not have the requisite qualification as per the Rules, 1996 and the Rules, 2014 for performing Ultrasonography; the concerned authority had cancelled his authorization dated 19.02.2021 (Annexure P-6) vide impugned order dated 19.05.2021 (Annexure P-8).

9. Learned counsel for the respondents submits that there is no force in the plea taken by the petitioner that he is exempted from undergoing six months' training in terms of Rule 6(2) of the Rules, 2014, as he is required to qualify the competency based assessment (specified in Schedule II of the aforesaid Rules, 2014) and till date, he has not submitted any such competency based assessment certificate before the concerned authorities. It is submitted that since the petitioner does not have the requisite qualification as per the Rules, 1996 and the Rules, 2014 for performing Ultrasonography; accordingly, the authorization dated 19.02.2021 (Annexure P-6) has been promptly cancelled by the competent authority vide its order dated 19.05.2021 (Annexure P-8).

10. Learned counsel for the respondents has further referred to an order/judgment dated 08.11.2016 (Annexure R-2) passed by the Hon'ble

Apex Court in the case of *Voluntary Health Association of Punjab Vs. Union of India and others, Writ Petition (Civil) No.349 of 2006*, to submit that the Hon'ble Supreme Court has already directed all the States and Union Territories to implement the Pre-conception Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) (Six Months Training) Rules, 2014 forthwith considering that the training provided is imperative for realizing the object and purpose of this Act.

11. A further reference has been made to an order dated 14.03.2018 (Annexure R-3) passed by the Hon'ble Supreme Court in *SLP(C) Nos.16657-16659 of 2016* titled as *Union of India vs Indian Radiological and Imaging Association and others*, to submit that the Hon'ble Supreme Court has clearly mentioned therein that the judgment in the case of *Voluntary Health Association of Punjab (supra)*, shall be strictly enforced by all States and Union Territories untrammelled by any order of any High Court or any other Court. It is, accordingly, submitted that there is no force in the instant writ petition as the petitioner is not eligible to carry out Ultrasonography in terms of the afore-stated Rules and hence, the instant writ petition is liable to be dismissed.

12. I have heard learned counsel for the respective parties and have gone through the paper book with their able assistance.

13. For the purposes of deciding the instant case, it would be relevant to refer to Rule 3(1) of the Rules, 1996 which reads as under :-

“(3)(1) Any person having adequate space and being or employing—

(a) Gynaecologist having experience of performing at least 20 procedures in chorionic villi aspirations per vagina or per abdomen, chorionic villi biopsy, amniocentesis,

cordocentesis/foetoscopy, foetal skin or organ biopsy or foetal blood sampling etc. under supervision of an experienced gynaecologist in these fields; or

(b) a sonologist or imaging specialist or registered medical practitioner having Post Graduate degree or diploma or six months' training duly imparted in the manner prescribed in the "the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) (Six Months Training) Rules, 2014; or]

*(c) a medical geneticist,
May set up a genetic clinic/ultrasound clinic/
imaging centre."*

14. A further reference would also be required to Rules 3, 4, 5 and 6 of the Rules, 2014 which prescribe the '*Nomenclature of the six months training in ultrasonography*', '*Period of the training*', '*Components of the six months training curriculum*' and '*Eligibility for training*' and the same read as under :-

“3. Nomenclature of the six months training in ultrasonography. – The six months training imparted under these rules shall be known as “the Fundamentals in Abdomino-Pelvic Ultra sonography: Level one for M.B.B.S. Doctors.”

4. Period of the training.-The period of training for obtaining a certificate of training shall be 300 clock hours.

5. Components of the six months training curriculum.- (1) The major components of the training curriculum shall be –

(a) theory based knowledge to equip registered medical practitioners with the knowledge,

professional skills, attitudes and clinical competencies;

(b) skill based knowledge;

(c) log book and Assessment.

(2) The comprehensive syllabus for the said six months training is as specified in Schedule I.

(3) The details related to log book and assessment are as specified in Schedule II.

6. Eligibility for training. – *(1) Any registered medical practitioner shall be eligible for undertaking the said six months training.*

[(2) The existing registered medical practitioners, who are conducting ultrasound procedures in a Genetic Clinic or Ultrasound Clinic or Imaging Centre on the basis of one year experience or six months training are exempted from undertaking the said training provided they are able to qualify the competency based assessment as specified in Schedule II.

(3) If a medical practitioner fails to clear the said competency based examination after three attempts, he shall undertake the complete six months training, as provided under these rules, for the purpose of renewal of registration.]”

15. A conjoint reading of the above extracted rules would indicate that any person having adequate space and being or employing - a sonologist or imaging specialist or registered medical practitioner having Post Graduate degree or diploma or six months’ training duly imparted in the manner prescribed in the Rules, 2014 may set up the Genetic Clinic/ultrasound clinic/imaging centre. Further Rules 3, 4, 5 and 6 of the Rules, 2014 *ibid* provides that any registered medical practitioner shall be eligible for undertaking the six months’ training. A close reading of Rule 6(2) of the Rules, 2014 would clearly indicate that the same includes the existing

registered medical practitioners as well i.e. registered medical practitioners as on the date of enforcement of these rules i.e. on 10.01.2014. It clearly states that the existing registered medical practitioners, who are conducting ultrasound procedures in a Genetic Clinic or Ultrasound Clinic or Imaging Centre on the basis of one year experience or six months training are exempted from undertaking the said training provided they are able to qualify the competency based assessment as specified in Schedule II. Rule 6(3) of the Rules, 2014 *ibid* further makes it apparent that if a medical practitioner fails to clear the said competency based examination after three attempts, he shall undertake the complete six months training, as provided under the said Rules, for the purpose of renewal of registration.

It is, thus, manifest that the requirement of undergoing six months' training as envisaged under the Rules, 2014 is mandatory and in case, any registered Medical Practitioner seeks exemption from undertaking the said training, then the said registered medical practitioner shall have to qualify the competency based assessment as specified in Schedule II of the Rules, 2014 *ibid*.

16. In the instant case, concededly, the petitioner has not placed on record any document/material to show that he has undergone six months' training as envisaged under the Rules, 2014 or that he has qualified the competency based assessment as specified in Schedule II of the Rules, 2014.

17. I have gone through the impugned order dated 04.10.2021 (Annexure P-9) passed by the Appellate Authority under the PC & PNDT Act and thus, find that all the submissions/contentions raised by learned counsel for the petitioner before this Court have already been dealt with by

the said Appellate Authority, while dismissing the appeal of the petitioner by holding as under :-

“11. AND WHEREAS, respondent/Appropriate Authority has further averred that the public notice regarding competency based examination test was duly published in the two leading Newspapers on 04-06-2016 (The Tribune) and 05-06-2016 (Dainik Bhaskar) respectively and now the exam will be held on 16-11-2021 and further averred that the case of the Appellant has not covered with the judgment passed by the Hon’ble Supreme Court of India in SLP(c) No.3058/2020 titled as “Anil Wasti & Ors. Vs. The State of Chhattisgarh &Ors.” As no penal action has been taken and the Hon’ble Apex Court has not exempted the competency based examination.

12. AND WHEREAS, respondent/Appropriate Authority has requested that appeal filed by the Appellant may be filed/dismissed in view of the position explained by respondent/Appropriate Authority at the time of hearing.

13. AND WHEREAS, I have gone through the Rule 3 of the PC&PNDT Rules 1996 where minimum requirement of the qualification of the employees, the requirement of the equipment etc. for Genetic Counselling Centre, Genetic Laboratory, Genetic Clinic, Ultrasound Clinic and Imaging Centre has been prescribed and the relevant part of (3)(1)(b) of the PC&PNDT Rules, 1996 is extract as below:-

XXXXXXXXXX

‘a Sonologist or imaging specialist or registered medical practitioner having Post Graduate degree or diploma or six months training duly imparted in the manner prescribed in “the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) (Six Months Training) Rules, 2014.’

14. AND WHEREAS, as per rule (3)(1)(b) of the PC&PNDT Rules, 1996 the Appellant must have post graduate degree or diploma or six-month training which the Appellant does not have.

15. AND WHEREAS, the contentions are raised by Appellant regarding set-aside of order dated 19-05-2021 where the cancellation of authorization dated 19-02-2021 and exemption of competency based exam and six-month training are not sustainable as per the provisions of PC&PNDT Act, 1994, Rules 1996 and Rules 2014.

16. AND WHEREAS, the judgement passed by the Hon'ble Supreme Court of India in SLP(c) No.3058/2020 titled as "Anil Wasti & Ors. Vs. the State of Chhattisgarh &Ors." has no relevance because the cancellation order dated 19.05.2021 is in the nature of correction of the inadvertent mistake and not in the nature of penal action. Moreover, neither the judgment of Supreme Court of India nor the PC&PNDT Act, 1994, Rules 1996 and Rules 2014 has exempted the competency based examination and six-month training.

17. AND WHEREAS, the UT Chandigarh is going to hold competency based examination on 16.11.2021 in which the Appellant had not applied and the contention raised by the Appellant regarding not conducting competency based examination by the UT Chandigarh is not sustainable.

18. AND WHEREAS, as the respondent/Appropriate Authority has issued the authorization for performing ultra-sonography at Apollo Clinic (Pritika Industries Ltd.), SCO 10-11, Sector 8-C, Chandigarh to the Appellant on 19-02-2021 inadvertently and a bonafide mistake committed by the respondent/Appropriate Authority has been rectified by cancelling the authorization dated 19-02-2021 vide order dated 19-05-2021. A bonafide mistake cannot authorize the Appellant to authorize for performing

the ultra-sonography in any centre against the provisions of PC&PNDT Act, 1994, Rules, 1996 and Rules, 2014.

19. *AND WHEREAS, the object of the PC&PNDT Act “An Act to provide for the prohibition of sex selection, before or after conception and for regulation of pre-natal diagnostic techniques for the purposes of detecting genetic abnormalities or metabolic disorders or chromosomal abnormalities or certain congenital malformations of sex-linked disorders and for the prevention of their misuse for sex determination leading to female foeticide and for matters connected therewith or incidental thereto”. Hence, the object of the Act cannot be defeated at any cost.*

20. *NOW, THEREFORE, the undersigned being the Central Appellate Authority under the PC&PNDT Act, 1994 and Rules 1996 in exercise of power confirmed upon me hereby dismiss/reject the appeal as for above reasons against the impugned order 19-05-2021 filed by the Appellant, being devoid of merit, unjustified and unattainable.”*

It is evident from the above that in peculiar facts and circumstances of this case, the aforesaid findings are valid and justified and the same do not call for any interference by this Court.

18. Further, a perusal of judgment dated 08.11.2016 (Annexure R-2) rendered in the case of ***Voluntary Health Association of Punjab*** (*supra*) would indicate that the following directions were given by the Hon’ble Supreme Court :-

“33. *Keeping in view the deliberations made from time to time and regard being had to the purpose of the Act and the far reaching impact of the problem, we think it appropriate to issue the following directions in addition to the directions issued in the earlier order :-*

(a) *All the States and the Union Territories in India shall maintain a centralized database of civil*

registration records from all registration units so that information can be made available from the website regarding the number of boys and girls being born.

- (b) The information that shall be displayed on the website shall contain the birth information for each District, Municipality, Corporation or Gram Panchayat so that a visual comparison of boys and girls born can be immediately seen.*
- (c) The statutory authorities if not constituted as envisaged under the Act shall be constituted forthwith and the competent authorities shall take steps for the reconstitution of the statutory bodies so that they can become immediately functional after expiry of the term. That apart, they shall meet regularly so that the provisions of the Act can be implemented in reality and the effectiveness of the legislation is felt and realized in the society.*
- (d) The provisions contained in Sections 22 and 23 shall be strictly adhered to. Section 23(2) shall be duly complied with and it shall be reported by the authorities so that the State Medical Council takes necessary action after the intimation is given under the said provision. The Appropriate Authorities who have been appointed under Sections 17(1) and 17(2) shall be imparted periodical training to carry out the functions as required under various provisions of the Act.*
- (e) If there has been violation of any of the provisions of the Act or the Rules, proper action has to be taken by the authorities under the Act so that the legally inapposite acts are immediately curbed.*
- (f) The Courts which deal with the complaints under the Act shall be fast tracked and the concerned*

High Courts shall issue appropriate directions in that regard.

- (g) *The judicial officers who are to deal with these cases under the Act shall be periodically imparted training in the Judicial Academies or Training Institutes, as the case may be, so that they can be sensitive and develop the requisite sensitivity as projected in the objects and reasons of the Act and its various provisions and in view of the need of the society.*
- (h) *The Director of Prosecution or, if the said post is not there, the Legal Remembrancer or the Law Secretary shall take stock of things with regard to the lodging of prosecution so that the purpose of the Act is subserved.*
- (i) *The Courts that deal with the complaints under the Act shall deal with the matters in promptitude and submit the quarterly report to the High Courts through the concerned Sessions and District Judge.*
- (j) *The learned Chief Justices of each of the High Courts in the country are requested to constitute a Committee of three Judges that can periodically oversee the progress of the cases.*
- (k) *The awareness campaigns with regard to the provisions of the Act as well as the social awareness shall be undertaken as per the direction No.9.8 in the order dated March 4, 2013 passed in **Voluntary Health Association of Punjab** (supra).*
- (l) *The State Legal Services Authorities of the States shall give emphasis on this campaign during the spread of legal aid and involve the para-legal volunteers.*
- (m) *The Union of India and the States shall see to it that appropriate directions are issued to the*

authorities of All India Radio and Doordarshan functioning in various States to give wide publicity pertaining to the saving of the girl child and the grave dangers the society shall face because of female foeticide.

- (n) *All the appropriate authorities including the States and Districts notified under the Act shall submit quarterly progress report to the Government of India through the State Government and maintain Form H for keeping the information of all registrations readily available as per sub-rule 6 of Rule 18A of the Rules.*
- (o) *The States and Union Territories shall implement the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) (Six Months Training) Rules, 2014 forthwith considering that the training provided therein is imperative for realizing the objects and purpose of this Act.*
- (p) *As the Union of India and some States framed incentive schemes for the girl child, the States that have not framed such schemes, may introduce such schemes.” (Emphasis supplied)*

19. Apart from the above, a Division Bench of the Delhi High Court, while considering the provisions of the PC & PNDT Act, 1994 passed a judgment dated 17.02.2016 in a batch of cases including ***Indian Radiological and Imaging Association (IRIA) v Union of India, (Writ Petition (C) No.6968 of 2011)***, ***Indian Medical Association v Union of India, (Writ Petition (C) No.2721 of 2014)*** and ***Sonological Society of India v. Union of India, (Writ Petition (C) No.3184 of 2014)*** whereby certain directions were issued, which *inter alia*, included the following

direction :-

“(vi) Rule 3(3)(1)(b) of the PNDT Rules (as it stands after the amendment with effect from 9th January, 2014) is ultra vires the PNDT Act to the extent it requires a person desirous of setting up a Genetic Clinic/Ultrasound Clinic/Imaging Centre to undergo six months training imparted in the manner prescribed in the Six Months Training Rules.”

However, the afore-said judgment dated 17.02.2016 passed by a Division Bench of the Delhi High Court was challenged by the Union of India, by way of filing SLP(C) Nos.16657-16659 of 2016 and after considering various provisions of the PC & PNDT Act, 1994, it has been held as under :-

“9. Prima facie, these provisions indicate that Parliament has conferred upon the Central government rule making authority to specify minimum qualification for persons to be employed at genetic counselling centres, laboratories and clinics. Specification of qualifications, in our view, should be read in a purposive sense which will fulfill the object of the law. Even on a plain and natural construction of the words used by Parliament, specification of qualifications must necessarily comprehend the power to prescribe training. The rationale for this is that the training would sensitize the person concerned to the salutary object and purpose of the legislation which has been enacted by Parliament to deal with a serious social evil and be conscious of the misuse of sex-selection tests. Pre-natal diagnostic procedures are susceptible to grave misuse.

10. Parliament which has the unquestioned authority and legislative competence to frame the law considered it necessary to empower the Central government to frame rules to govern the qualifications of

persons employed in genetic counselling centres, laboratories and clinics. The wisdom of the legislature in adopting the policy cannot be substituted by the court in the exercise of the power of judicial review. Prima facie the judgment of the Delhi High Court has trenched upon an area of legislative policy. Judicial review cannot extend to reappreciating the efficacy of a legislative policy adopted in a law which has been enacted by the competent legislature. Both the Indian Medical Council Act, 1956 and the PCPNDT Act are enacted by Parliament. Parliament has the legislative competence to do so. The Training Rules 2014 were made by the Central Government in exercise of the power conferred by Parliament. Prima facie, the rules are neither ultra vires the parent legislation nor do they suffer from manifest arbitrariness.

*11. For the reasons that we have indicated, we are of the view that the judgment of the Delhi High Court needs to be stayed during the pendency of these proceedings. The judgment of the High Court squarely impinges upon the directions issued by this Court in **Voluntary Health Association of Punjab**. We direct in consequence that the judgment of this Court in **Voluntary Health Association of Punjab** shall be strictly enforced by all states and union territories untrammelled by any order of any High Court or any other court.*

12. Pending final disposal, there shall be a stay of the operation of the judgment and order of the Delhi High Court dated 17 February 2016. The interlocutory applications are disposed of accordingly.”

20. A perusal of the afore-said judgments rendered by the Hon’ble Supreme Court would manifest that the Rules, 2014, are required to be implemented for realising the objects and purpose of this Act, for which

the directions have already been issued by the Hon'ble Supreme Court to all the States and Union Territories.

21. Considering the totality of circumstances as indicated above, I am of the considered view that the petitioner does not have the requisite qualification as per the Rules, 1996 and the Rules, 2014 for performing Ultrasonography. Accordingly, the writ petition is dismissed.

However, there shall be no bar on the petitioner to acquire the requisite qualification/eligibility in terms of the applicable Act/Rules/Regulations and thereafter, seek permission/authorization to carry out ultrasonography.

22. No other point has been urged.

23. All pending application/s, if any, shall also stand closed.

October 18th, 2023
gurpreet

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No