

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CCP(S) No. 129/2023

Kuldeep Chander Sharma, Age 74 years
S/o Dina Nath
R/o H.No. 1, W.No 17, Trikuta Marg, Near
Forest Office, Udampur, Jammu and Kashmir-
182101

.... Petitioner(s)

Through :- Mr. Surjit Singh Andotra, Advocate.

V/s

1.Rajesh Bhushan,
Secretary Union of India, Health and
Family Welfare, GOI, Nirman Bhawan,
Rajpath Area, Central Secretariat, New
Delhi and Ors.

....Respondent(s)

2. Dr. Saleem-ur-Rehman
Director of Health Services, Jammu and
Kashmir, Near MLA Hostel, Indira Chowk
Jammu-180006.

3. Dr. Rajeev Kumar Sharma
Dy. Director Of Health Services, Jammu
and Kashmir, Near MLA Hostel, Indira
Chowk, Jammu-180006.

4. Sh. Bhupinder Kumar,
Commissioner/Secretary, Government
Health and Medical Education
Department, Jammu and Kashmir, Civil
Secretariat, Jammu/Srinagar.

5. Dr. Shashi Sudhan Sharma
Principal Government Medical College,

Bakshi Nagar, Jammu- 180001

Through :- Mr. Raman Sharma, AAG.
Mr. Vishal Sharma, DSGI.

Coram: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER
24.12.2024.

1. The instant contempt petition has been preferred on behalf of the petitioner, namely, Kuldeep Chander Sharma for seeking implementation of order/judgment passed by this Court in WP(C) No. 2199/2022 by virtue of which the writ petition was allowed and the impugned notification was quashed and a declaration was issued that the petitioners being medical geneticist running their geneticist clinics/ultrasound clinics for the last seven years, were not required to undertake any six month training or to qualify the competency based assessment as specified in Schedule II of 2014 Rules. Consequently, the respondents were directed to process the cases of the petitioners for renewal or re-issue of certificate of registration in their favour provided they fulfil and comply with the other requirements of 1994 Act and the rules framed thereunder.

2. The instant contempt petition has been preferred on behalf of Dr. Kuldeep Chander Sharma in which the respondents have filed various statements of facts and the latest compliance report stands filed on 20.12.2024 in which the respondents while filing the compliance report, have also placed on record the

detailed consideration order dated 18.12.2024. The respondents while passing the aforesaid consideration order has been pleased to observe as under:-

“Now, therefore, the Chief Medical Officer, Udhampur & Chief Medical Officer, Jammu designated as District Appropriate Authority under PC&PNDT, Act and Rules made thereunder, vide S.O. No. 5395 (E), dated 15.11.2022, issued by the Ministry of Health and Family Welfare, Govt. of India and also being competent authority to issue registration/renewal of registration of ultrasound centres are advised not to take any coercive action against Dr. Uma Sharma Ultrasound Centre, Udhampur & A-One Ultrasound Centre, 2199/2022 are visiting sinologists, till outcome of the LPA No. 33/2023 titled UT of J&K and Ors. v. Dr. Kuldeep Chander Sharma & Anr. In the meantime, the Chief Medical Officer, Udhampur is directed to process the case for renewal/re-issue of certificate of registration in favour of Dr. Uma Sharma Ultrasound Centre provided the said ultrasound centre fulfil and comply with other requirements mandatory for renewal of registration of an Ultrasound Centre under the relevant Act and Rules, except the eligibility in terms of qualification of Dr. Kuldeep Chander Sharma, visiting sinologist, which is subject matter of challenge in the LPA No. 33/023. However, this order shall be subject to modification/withdrawal upon final disposal/interim relief by the Hon’ble High Court in the LPA No. 33/2023.”

3. Thus, in the light of the stand taken by the respondents in the fresh compliance report dated 20.12.2024, coupled with the passing of the order of consideration, no fruitful purpose will be served to keep this contempt petition alive as the order/judgment passed by this Court stands complied with and a direction has been issued to the Chief Medical Officer to process the case for renewal/ re-issue of certificate of registration in favour of the Uma Sharma

Ultrasound centre provided the said ultrasound fulfil and comply with other requirements mandatory for renewal of registration of ultrasound centre under the relevant act and rules except the eligibility in terms of qualification of Dr. Kuldeep Chander Sharma which is subject matter of challenge in LPA No. 33/2023.

4. It has also been reflected in the aforesaid order of consideration that the same shall be subject to the modification/withdrawal upon final disposal/ interim relief likely granted (by both) in the LPA which has been preferred by the UT and has been registered as LPA No. 33/2023 and is pending adjudication at presently.

5. Thus, from a bare perusal of the aforesaid stand taken by the respondents coupled with detailed consideration order, it is apparently clear that a direction has been issued to the Chief Medical Officer, Udhampur to process the case of renewal/ re-issue of the certificate of the registration in favour of the petitioners which decision till date has not been taken. In the aforesaid backdrop, this Court deems it proper to direct the Chief Medical Officer, Udhampur to process the case of renewal/ re-issue of the certificate in favour of the petitioner within a period of two weeks from today strictly in tune with what has been observed in the consideration order which has been issued/ passed in conformity with the order./judgment passed by this Court mentioned supra.

6. In the light of the aforesaid direction, the proceedings in the instant contempt petition are closed. Rule, if any, shall stand **discharged**.

7. Accordingly, the instant contempt petition is **disposed of** in the manner indicated above. It is made clear that in case, the aforesaid order is not complied with, the petitioner will be at liberty to revive the instant contempt petition and in that eventuality, coercive measures shall be taken against the respondents.

(Wasim Sadiq Nargal)
Judge

Jammu:
24.12.2024.
Neha-1

