

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3970 of 2015

Dr. (Captain) Mansoor Ahmad Siddique aged about 71 years, son of Late Md. Sarfuddin, resident of Super Market P.O. + P.S. + District Saharsa, Sonologist in M/s Mahavir Ultrasound Clinic Super Market, Saharsa and New Digital Ultrasound Centre, Gangjala Saharsa.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Health and Family Welfare Department, Govt. of Bihar, Patna.
2. Secretary, Health and Family Welfare Department, Govt. of Bihar, Patna.
3. Joint Secretary, Health and Family Welfare Department, Govt. of Bihar.
4. Executive Director, Health and Family Welfare Department, Govt. of Bihar.
5. Member Secretary, District Advisory Committee, Saharsa.
6. Civil Surgeon-cum-Chief Medical Officer, Saharsa, Bihar.
7. Civil Surgeon-cum-Chief Medical Officer, Madhepura, Bihar.

.... Respondents

Appearance :

For the Petitioner : Mr. Mithilesh Kumar
Mr. Harish Kumar, Advocates
For the Respondents : Mr. Din Bandhu Singh, GP 9
Mr. Sandip Singh, AC to GP 9

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-08-2015

The present writ petition has been filed with a prayer for direction to the respondent-authorities concerned to renew the registration of certificate for a period of five years from 22.06.2014 to 21.05.2019 and with further direction to consider the matter afresh in the light of the Gazette of India (Extraordinary) Notification dated 09.01.2014, Ministry of Health and Family Welfare, Department of Health and Family Welfare.

2. It is submitted on behalf of the petitioner that without having due regard to the provisions of Rule 8(2) of the Pre-

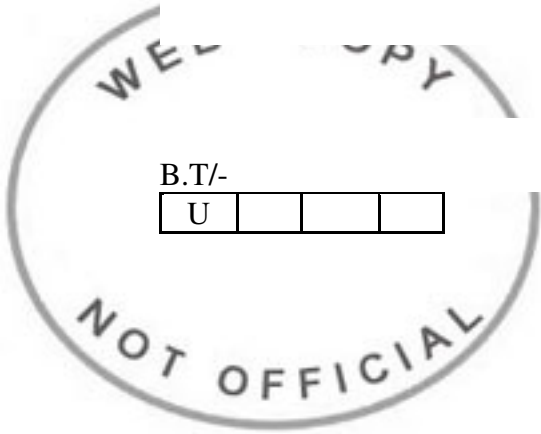


Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Determination) Rules, 1996 (for short, “the Act”) which mandates the renewal of registration of certificate for a period of five years from the date of expiry of period of certificate earlier granted, such registration has erroneously and under misconception been renewed only for a period of two and half years which is without the authority of law. It appears that the authorities have proceeded on the basis of the said Gazette Notification dated 09.01.2014 which, however, is applicable in the case of MBBS Doctors whereas the petitioner is a Sonologist possessing a Masters Degree.

3. Learned counsel for the respondents appears and has been heard.

4. Having regard to the entirety of the facts and circumstances of the case and also the fact that the petitioner has represented the matter before the Civil Surgeon-cum-Chief Medical Officer, Saharsa in terms of the letter dated 25.08.2014, who, in turn has sought clarification from the Secretary, Health Department by his letter contained in Memo No.2493 dated 15.10.2014, the writ petition is disposed of with a direction to the Secretary, Health Department (Respondent no.2) to consider and dispose of the claim after granting reasonable opportunity of hearing to the petitioner, in accordance with law expeditiously and preferably within

a period of six weeks from the date of receipt/production of a copy of
this order.



(Vikash Jain, J)