

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20600 of 2013

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Unique Ultrasonography Centre Through Dr. Md. Hasin Alam Son Of Haji Akhtar Hussain Near Jama Masjid, Dhaka P.S.- Dhaka, District- East Champaran

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Health Department, Bihar, Patna
2. The Collector, East Champaran At Motihari
3. The Chief Medical Officer Cum Civil Surgeon, East Champaran At Motihari

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 18-09-2015 Heard Mr. Tandon for the petitioner and AC to GP 12 for the State.

With the consent of the parties, the writ application is being disposed of. Even otherwise, the order which this Court proposes to pass, it would not be necessary to await a response by the respondents.

The petitioner, Dr. Hasin Alam claims to run an ultrasonography centre in the name and style of Unique Ultrasonography Centre (for short 'the Centre') in the township of Dhaka within the district of East Champaran having Registration No. 17 dated 26.03.2004 valid till 26.03.2014. While registration period of the Centre in question was effective the Centre was



inspected by the respondents Chief Medical Officer-cum-Civil Surgeon on 19.04.2013. Having found various illegalities/irregularities being committed in running the said Centre which was/were contrary to the provision of Pre-conception & Pre-natal Diagnostic Techniques(Prohibition of Sex Selection) Act, 1994 (for short 'the Act'), a show cause notice was issued on 27.04.2013 (Annexure-5). The petitioner has stated that reply thereto was filed immediately upon receipt of the notice. The Centre of the petitioner has however been closed. The grievance of the petitioner is that response having been filed the respondents Chief Medical Officer-cum-Civil Surgeon should have disposed of the same in the light of the fact/statement enumerated in the show cause which, according to the petitioner, would exonerate him of all the allegations/charges.

Counsel for the state has pointed out that the registration of the Centre has already expired on 26.04.2013 and until and unless the same is renewed and/or re-issued the Centre of the petitioner cannot be allowed to be operated/opened.

Mr. Tandon, on the other hand, submitted that during the pendency of this application the validity of the registration of the Centre in question has expired. Since the Center is closed the petitioner has not filed any application for renewal thereof.

However, an application shall also be filed for renewal of the registration of the Centre for consideration and disposal by the Chief Medical Officer-cum-Civil Surgeon in accordance with law.

Having heard the parties, the writ application is disposed of by directing the respondent-Chief Medical Officer-cum-Civil Surgeon to consider the show cause, if any, filed by the petitioner in response to the annexure-5 as also the application to be filed for renewal of the registration of the Centre and take appropriate decision, if not already taken, within five weeks from the date of receipt/production of a copy of this order.

(Kishore Kumar Mandal, J)

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