

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO. 5279 OF 2015

Dr. Preti w/o Sandeep Suryawanshi
age 32 years, occ. Medical Practitioner
r/o Madhura Maternity Hospital &
Sonography Centre, S.A. Shivsadan
Shivaji Colony, near State Bank of India,
Nandurbar, Dist. Nandurbar

.. PETITIONER

VERSUS

1. The State of Maharashtra
through Secretary, Health Department,
Mantralaya, Mumbai 32.
2. The Appropriate Appellate Authority
(Under P.C. & P.N. D.T. Act & Rules 1996)
National Rural Health Mission,
3rd Floor, Mumbai.
3. The Civil Surgeon
Civil Hospital, Nandurbar
Dist. Nandurbar

.. RESPONDENTS

Mr. S.G. Chapalgaonkar, advocate for petitioner.
Mrs. A.V. Gondhalekar, AGP for the State.

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**CORAM : R.M. BORDE &
A.I.S. CHEEMA, JJ.
DATE : 19th NOVEMBER, 2015.**

ORAL JUDGMENT : (PER R. M. BORDE, J.)

1. Heard.
2. Rule. Rule made returnable forthwith. With the consent of the parties, petition is taken up for final disposal at admission stage.
3. Petitioner is objecting to the order passed by the appropriate

authority on 16.12.2014 directing cancellation of the registration of Sonography Centre operated by the petitioner.

4. Petitioner is a radiologist and is operating diagnostic centre at Nandurbar. It is alleged that an inspection squad paid visit to the Sonography centre operated by petitioner and found certain deficiencies. Panchanama in that regard was recorded and certain documents were attached. On the basis of the report of inspection squad as well as on consideration of the recommendations of the Advisory Committee, the appropriate authority proceeded to direct cancellation of the diagnostic centre / sonography centre operated by petitioner. It is stated that before taking impugned action, show cause notice has been issued to the petitioner on 24.11.2014. Petitioner was called upon to tender explanation in respect of proposed action under section 20(1) of the Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994, of suspension of registration. It is contended that though the notice issued to the petitioner calls upon her to tender explanation as to why registration of diagnostic centre shall not be suspended, the appropriate authority proceeded to direct cancellation of registration. The order passed by the appropriate authority has been confirmed by the appellate authority on 12.06.2015.

5. On perusal of record it transpires that though notice issued to the petitioner calls upon her to tender explanation as to why registration of the diagnostic centre operated by her shall not be suspended, the appropriate authority has taken action of cancellation of registration of the diagnostic

centre. The order appears to have been issued without application of mind to the record of the case. On perusal of the order it transpires that the appropriate authority has not extended opportunity of hearing to the petitioner before passing the impugned order. Since it is noted that the principles of natural justice have not been observed by the appropriate authority before taking action of cancellation of registration, we deem it appropriate to quash and set aside the order and remit back the matter for consideration of the appropriate authority.

6. In this view of the matter, order dated 16.12.2014 passed by the appropriate authority impugned in this petition as well as order issued by the appellate authority on 12.06.2015 are quashed and set aside. The matter stands remitted back for re-consideration to the appropriate authority, who shall, after extending opportunity of hearing to the petitioner, render fresh decision, as expeditiously as possible, preferably within a period of four weeks from today. The petitioner shall cause appearance before the appropriate authority on 26.11.2015 and as such, no separate notice requiring her presence before the appropriate authority shall be necessary. Petitioner volunteers that she would not operate the diagnostic centre until decision by the appropriate authority. Writ petition accordingly stands disposed of. Rule made absolute. In the facts and circumstances of the case, there shall be no order as to costs.

(A.I.S. CHEEMA)
JUDGE

dyb

(R. M. BORDE)
JUDGE