

CWP-20887-2015

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

CWP-20887-2015

Date of Decision: 12.10.2015

Dr. Ritu Prabhakar

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. S.S.Narula, Advocate,
for the petitioner.

Mr. Rajneesh Chadwal, DAG, Haryana.

Paramjeet Singh, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for setting aside the order dated 27.01.2015 (Annexure P-1) passed by respondent No.3-District Appropriate Authority whereby registration No.33, allotted to the petitioner, has been cancelled, the order dated 12.06.2015 (Annexure P-2) passed by respondent No.2-State Appropriate Authority whereby appeal filed by the petitioner against the order of DAA/respondent No.3 has been disposed of while remanding the matter for a fresh decision and the order dated 26.08.2015 (Annexure P-3) passed by respondent No.1-Appellate Authority whereby appeal of the petitioner has been dismissed.

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Brief facts of the case are to the effect that the petitioner is a qualified Gynecologist & Obstetrician and has been registered with the Medical Council of Haryana. The premises of the petitioner were checked under the provisions of the Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994 and some of the machines in Vitro Fertilization Centre of the petitioner have been sealed. The registration number allotted to the petitioner has also been cancelled vide impugned order dated 27.01.2015 (Annexure P-1). Against that, the petitioner preferred an appeal before the State Appropriate Authority, Panchakula which has been disposed of, vide impugned order dated 12.06.2015 (Annexure P-2), by remanding the matter to the District Appropriate Authority with the direction to pass a speaking order within a period of one month from the date of receipt of copy of the order, by issuing show cause notice to the petitioner and after giving opportunity of hearing to the petitioner. Being dissatisfied, the petitioner preferred appeal before respondent No.1 which has been disposed of vide impugned order dated 26.08.2015 (Annexure P-3). Hence, this writ petition.

I have heard learned counsel for the parties and perused the record.

Admittedly, the impugned order dated 26.08.2015 (Annexure P-3) passed by the Principal Secretary Health Department-cum-Appellate Authority has not been passed on merits and the appeal has been disposed of with a direction to the petitioner to appear before

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the District Appropriate Authority, Panipat in pursuance of the order dated 12.06.2015 passed by respondent No.2-State Appropriate Authority, Panchkuala. The impugned order dated 26.08.2015 (Annexure P-3) is non-speaking, cryptic and result of non-application of mind. In view of above, the impugned order dated 26.08.2015 (Annexure P-3) is set aside. The matter is remitted to the Principal Secretary Health Department-cum-Appellate Authority to decide the appeal preferred by the petitioner afresh on merits in accordance with law. The needful would be done within a period of one month from the date of receipt of copy of this order.

Disposed of.

12.10.2015
parveen kumar

(Paramjeet Singh)
Judge