

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3708 of 2014

=====

Foundation "Life For All" Hospital and Research Centre Village- Sakraili, P.O.-
Semapur District- Katihar through its trustee Dr. Chhathu Lal Sah S/o Late Manna
Lal Sah Resident of Village- Sakraili P.S.- Barari District- Katihar

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Health,
Government of Bihar, Patna
2. The Principal Secretary, Department of Health, Government of Bihar, Patna
3. The Civil Surgeon cum Chief Medical Officer, Katihar
4. The District Immunization Officer, Katihar
5. The District Tuberculosis Officer, Katihar

.... Respondents

=====

Appearance :

For the Petitioner : Ms. Sushmita Mishra, Advocate

For the Respondents: Mr. Prohit Mishra, AC to AAG 8

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04-01-2016

The present writ petition has been filed for quashing the order dated 23.05.2013 passed by the Civil Surgeon-cum-Chief Medical Officer, Katihar (respondent no.3) cancelling the registration No.21/2008 of the petitioner's ultrasound clinic.

2. Learned counsel for the petitioner submits that the impugned order of cancellation of the petitioner's registration of ultrasound clinic is wholly arbitrary and unsustainable, having been passed without issuance of prior show cause notice and as such, the same is in gross violation of the fundamental principles of natural justice. It is further submitted that Section 20 (1) of the Pre-Conception & Pre-Natal Diagnostic Techniques (Prohibition of Sex

Selection) Act, 1994 (for short, “the PNDT Act”) specifically mandates issuance of a show cause notice prior to suspension or cancellation of registration.

3. Learned counsel for the respondents relies on the counter affidavit filed on behalf of the respondent no. 3. However, he is unable to controvert the submission of the petitioner with regard to failure in complying with the aforesaid statutory provisions requiring issuance of a prior show cause notice.

4. On the aforesaid limited issue itself, therefore, the impugned order dated 23.05.2013 is set aside, with liberty to the Civil Surgeon-cum-Chief Medical Officer, Katihar (respondent no.3) to proceed in the matter after issuance of appropriate show cause notice to the petitioner as contemplated in terms of section 20(1) of the PNDT Act and pass final orders afresh in accordance with law.

5. It is made clear that this Court has not expressed any opinion with regard to the merits of the matter.

6. The writ petition accordingly stands disposed of.

(Vikash Jain, J)

B.T/-

U			
---	--	--	--