

CWP-10569-2014

Date of Decision : 07.04.2017

Shailender Jeet Singh

.....Petitioner

versus

Union of India and others

....Respondents

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Veneet Sharma, Advocate
for the petitioner.Mr. Abhinav Gupta, Advocate
for respondent No. 1.

Mr. I.P. Goyat, Addl.A.G., Punjab.

M.M.S. BEDI, JUDGE (ORAL)

The petitioner is aggrieved by the order Annexure P-10. Petitioner had been granted licence to run Ultrasound Clinic but vide impugned order, the licence has been cancelled requiring the petitioner to undergo a compulsory six months training as per notification dated 09.01.2014 in the manner as prescribed in Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) (Six Months Training) Rules, 2014.

The aforesaid rules have been declared ultra vires to the provisions of the Pre-conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act by Delhi High Court as well as by Himachal Pradesh High Court in *Indian Radiological and Imaging Association versus Union of India and another, 2016 (227) DLT 538* and *Dr. Kuldeep Chand Maria versus Union of India and others, 2016 SCC Online HP 497* respectively, followed by this Court

in *Sonologist Association of Punjab versus Union of India and others*,
CWP No. 13979 of 2014, decided on 01.08.2016.

In view of the ground for cancellation the licence on the basis of notification dated 09.01.2014 having already been held illegal, the writ petition deserves to be allowed. Ordered accordingly. The order requiring the petitioner to undergo six months training is hereby set aside. The petitioner will be entitled to continue with his professional activities, in case he fulfills all the other conditions to run the Ultrasound Clinic.

(M.M.S. BEDI)
JUDGE

07.04.2017
Neha

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No