

CWP-20824-2016 (O&M)
Date of Decision : 28.02.2017

Vishwajeet Singh

.....Petitioner

versus

Union of India and another

....Respondents

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Anurag Goyal, Advocate
for the petitioner.Mr. Rajiv Verma, Advocate
for respondent No. 1.Mr. Jatin Kumar Gupta, Advocate for
Mr. Ashok Tyagi, Advocate
for respondent No. 2 - CCIM.**M.M.S. BEDI, JUDGE (ORAL)**

The petitioner through this writ petition under Article 226 of the Constitution of India, seeks a direction to the respondents to hold election of the member for State of Haryana for Central Council for Indian Medicine as per statutory requirement under Section 7 of the Indian Medical Central Council Act, 1970 (hereinafter referred to as 'the Act'), in the light of judgment of Apex Court in ***K.B. Nagur, M.D. (Ayurvedic) versus Union of India (2012) 4 Supreme Court Cases 483.***

In the reply filed on behalf of the Union of India, it has been specifically pleaded that the term of office of the CCIM members is five years from the date of election or nomination as the case may be. However, as per Section 7 of the Act, they may continue till the next elected member is joined in his place.

The question which is required to be determined, in the

present case, was whether the petitioner could be permitted to continue to hold the office of member of the CCIM from the State of Haryana for the period till next elected member joins. In view of the admissions and the law laid down in K.B. Nagur's case (supra), the petitioner is entitled to continue to hold the office of member of the CCIM from Haryana State till next elected members joins as such. It has been informed that the election process has already been initiated by appointing a Returning Officer on 17.02.2014.

This petition is thus disposed of with a direction that petitioner would be entitled to the benefit of the directions contained in K.B. Nagur's case (supra) mentioned hereinabove, which is of binding precedent under Article 141 of the Constitution of India. In case of any grievance, it will always be open to the petitioner to approach regulatory authority with specific grievance. It is expected that the supervisory and the regulatory authority would ensure the compliance of the order passed by this Court.

(M.M.S. BEDI)
JUDGE

28.02.2017

Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No