

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.6818 of 2015

Date of decision: 7.5.2018

Dr.Shiv Kumar Gupta

..Petitioner

Versus

State of Haryana and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr.Sudhir Hooda, Advocate for the petitioner.

Mr.Saurabh Mohunta, DAG Haryana.

Mr.Amrit Paul, Advocate for respondent No.2.

Rakesh Kumar Jain, J.

The petitioner has prayed for the issuance of a writ in the nature of certiorari for quashing the orders dated 23.1.2014 passed by the Registrar, Haryana Medical Council, Chandigarh by which name of the petitioner has been removed from the register of Medical Practitioners maintained by the Council on the ground that he has been convicted and sentenced for a period of one year and fine of Rs.2500/- under Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (for short the Act) vide order dated 8.11.2013 passed by Chief Judicial Magistrate, Ambala and order dated 16.7.2014 by which the application of the petitioner for recalling of the previous order has been turned down on the ground that even if criminal appeal filed by the petitioner against the order of conviction and sentence has been allowed and the conviction of one year passed against the petitioner has been set aside but still the order of fine has been maintained and therefore, his

conviction in its entirety has not been set aside by Addl.Sessions Judge, Ambala vide his order 18.4.2014.

Counsel for the petitioner has submitted that since the conviction of the petitioner has been set aside and only the fine has been enhanced by the learned Additional Sessions Judge Ambala, therefore, the petitioner is entitled for getting his name recorded in the register maintained by the Haryana Medical Council, Chandigarh.

In reply, the counsel appearing on behalf of respondent-Haryana Medical Council has submitted that conviction of the petitioner has not been set aside and against the order of Additional Sessions Judge, Ambala the petitioner has already preferred a Criminal Revision No.1654 of 2014 which is pending before this Court. It is also submitted that this Court in the case of ***Dr.Pardeep Ohri Versus State of Punjab and another 2008(1) SCT 823*** has held that if a medical practitioner is convicted and the factum of conviction is reported to the Council, the removal of the name of the medical practitioner from the register of Medical Council for five years is mandatory. It is further submitted that as per Section 25 of the Act, in case there is a violation of any provision of the Act or the Rules then the respondent would be liable for sentence up to three months or fine or both.

Thus, keeping in view the aforesaid facts and circumstances, there is hardly any scope for interference in this petition and the same is hereby dismissed.

May 7, 2018
Meenu

(Rakesh Kumar Jain)
Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No