

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6162 of 2019

Reshita, wife of Alok Kumar, Resident of M.I.G. Colony, Block-5, Sector-6, Bahadurpur Housing Colony, Sampatchak, P.S. - Bahadurpur, District - Patna, Presently residing At. - Keul Railway Hospital, Khagaul, P.S. and District - Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director-in-Chief, Ministry of Health and Family Welfare, Govt. of Bihar, Patna.
3. The District Magistrate, Lakhisarai.
4. The Civil Surgeon-cum- Chief Medical Officer, Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar
For the Respondent/s : Mr. Binod Kr. Yadav (SC18)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 23-05-2019 A supplementary affidavit has been filed during the course of arguments. Let it be taken on record.

The petitioner, who is a qualified doctor, is aggrieved by the decision of the Civil Surgeon-cum-Chief Medical Officer, Lakhisarai dated 28.11.2018 contained in Memo No. 1850, whereby her application for grant of registration and permission for running an ultra-sound centre has been rejected.

Learned counsel for the petitioner has submitted that the order, referred to above, and impugned in the



present writ petition, does not state any ground of rejection. All that the order indicates is that the petitioner does not fulfill the requisite conditions for grant of such registration / permission.

Learned counsel for the petitioner has further submitted that the petitioner has all the necessary qualifications which are prescribed in the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Amendment Rules, 2003. The Civil Surgeon-cum-Chief Medical Officer, Lakhisarai was under an obligation to indicate which qualification or the lack of it of the petitioner did not make it possible for providing registration to her for running the ultra-sound centre. The order which has been passed cannot be stated to be a speaking order.

For the aforesaid reasons, the order is unsustainable in the eyes of law and is therefore set aside.

The petitioner is directed to make a fresh representation before the Civil Surgeon-cum-Chief Medical Officer, Lakhisarai, who shall pass orders in accordance with law after verifying the Rules in that regard forthwith. Should



such an application be filed within a period of two weeks from today, the same shall be disposed off within a further period of four weeks thereafter by a reasoned and speaking order in accordance with law.

With the aforesaid observation / direction, this petition stands allowed.

(Ashutosh Kumar, J)

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