

HIGH COURT OF CHHATTISGARH, BILASPUR
WPIL No. 109 of 2017

- The Indian Medical Association Chhattisgarh State Branch, Through Its State Secretary, Dr. Hemnath Chatterjee, S/o Haripad Chatterjee, Aged About 54 Years, R/o Ashirwad Orthopedics Hospital, Brihaspati Bazar, Bilaspur, Chhattisgarh.

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Versus

1. State Of Chhattisgarh Through Its Principal Secretary, Department Of Public Welfare, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur, Chhattisgarh.
2. Union Of India, Through Its Secretary, Ministry Of Health And Public Welfare, New Delhi.
3. Medical Council Of India, Through Its Chairman, Pocket-14 Sector 8, Dwarka Phase-1, New Delhi P I N 110077.
4. Chhattisgarh State Medical Council, Through Its Registrar, First Floor, Dr. Bal Mukund Sharma Clinic, Kankalipara, Near Nagar Nigam, Aurvedic Hospital, Raipur, Chhattisgarh.
5. Chhattisgarh Ayurvedic Tatha Unani Tatha Prakritic Chikitsa Board, Through Its Registrar, Old Nurses Hostel, D. K. Hospital, Behind Lal Ganga Complex, Raipur, Chhattisgarh.
6. Dr. Akhil Agrawal, S/o Shri Madan Gopal Agrawal, Final Year Student Of Govt. Ayurvedic PG College, Raipur, A/o 30 Years, R/o Gandai, District Rajnandgaon Chhattisgarh.
7. Dr. Aishwarya Sahu, S/o Shri Manbodha Ram Sahu, Final Year Student Of Govt. Ayurvedic PG College, Raipur, A/o 28 Years, R/o Village Kareli Chhoti, Tehsil Magarlod, District Dhamtari Chhattisgarh.
8. Dr. Raghvendra Singh S/o Shri Ram Avatar Singh Aged About 43 Years R/o Bandhwapara, Sarknda Bilaspur Chhattisgarh.

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For Petitioner	:	Shri Anshuman Shrivastava, Advocate
For State/Respondent No.1	:	Smt. Fouzia Mirza, Additional Advocate General
For UOI/Respondent No.2	:	Shri Krishna Gopal Yadav, Advocate appears on behalf of Shri B. Gopa Kumar, Asstt. S.G.
For MCI/Respondent No.3	:	Shri R.S. Marhas, Advocate
For CGMC/Respondent No.4	:	Shri Vaibhav Goverdhan, Advocate
For Respondent No.5	:	Shri Mayank Kumar, Advocate
For Respondents No. 6 & 7	:	Shri Anish Tiwari and Shri Atul Kumar Kesharwani, Advocates
For Respondent No.8	:	Shri K. Rohan and Shri Faiz Kazi, Advocate appear on behalf of Shri Amrito Das, Advocate
For Intervenor	:	Shri Vaibhav Shukla, Advocate

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice

Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

Per, Ajay Kumar Tripathi, Chief Justice

20.02.2019

1. A new Notification dated 11.02.2019 has been issued by the Special Secretary, Department of Health & Family Welfare, Government of Chhattisgarh. A copy of which is Annexure A/1 to the additional affidavit filed on behalf of the Respondents-State.
2. From reading of the said notification, it is evident that the blanket permission which was earlier granted by the State to the degree holders Ayurveda and Unani System of Medicine to even practise in Modern System of Medicine has now been withdrawn and a limited permission has been granted listing out the drugs which may be allowed to be prescribed by them which primarily indicates that they are for routine kind of ailments which any way most of the patients obtain over the counter without any prescription from a medical shop.
3. Be that as it may, in view of the changed position taken by the State, the present writ application is disposed off. If anybody has any serious challenge to the Notification dated 11.02.2019, he has freedom to assail the same or raise his grievance before the competent authority.
4. In view of the disposal of the writ application, the previous order of restrain dated 13.10.2017 has lost its meaning.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge