

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CWP No. 9303 of 2019
Date of decision:-08.04.2019

Dr. Sushila Saini

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Kanwal Goyal, Advocate for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

Challenge in the instant writ petition is to an order dated 01.03.2019 (Annexure P-1) passed by the Registrar, Indian Medicine Council, Haryana, holding the petitioner to be not entitled to medical practice in the State of Haryana on the basis of the qualifications held i.e.Degree of Vaidya Visharad, issued by the Hindi Sahitya Sammelan Allahabad, relating to the field of Ayurvedic and Unani Medicines.

Counsel for the petitioner has been heard at length.

Perusal of the impugned order would reveal that the petitioner was registered with the State Council of Ayurvedic and Unani Medicines, Bihar on the basis of the aforenoticed qualifications and which is not a recognized degree under the Indian Medicines Central Council, Act 1970.

It is the case set-forth by the counsel himself that prior to an amendment that was carried out in the relevant schedule under the Punjab Ayurvedic and Unani Practitioners Act, 1963 (applicable to the State of Haryana itself) (hereinafter to be referred to as 'the Act'), the petitioner

possessed valid qualifications.

It is further conceded that post the 2014 amendment in the Schedule to the 1963 Act, the petitioner now does not possess valid qualifications.

A reference at this stage may also be made to Section 29 of the 1963 Act and which reads as under:-

“29. No person other than a registered practitioner, shall practise or hold himself out, whether directly or by implication, as practising or as being prepared to practise the ayurvedic System or Unani System.”

On a pointed query having been put, Mr. Kanwal Goyal, learned counsel, would further concede that the petitioner is not even a registered practitioner as per mandate of Section 29 so as to set up practice within the State of Haryana. At this stage, counsel would submit that an application dated 24.01.1996 (Annexure P-6) for registration had been submitted but registration in pursuance thereof had not been accorded.

Mere submission of an application would certainly not entitle the petitioner to set-up practice under the Ayurvedic and Unani Systems of Medicines within the State.

In view of the above and whereunder the petitioner neither possesses the requisite/recognized qualifications under the 1963 Act nor the registration as per mandate of Section 29, no infirmity is found in the impugned order.

Writ petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

08.04.2019

shweta

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No