

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-13648-2019 (O&M)
Date of Decision: 06.11.2019

Vishal Nursing Home & others

--Petitioners

Versus

Civil Surgeon and others

--Respondents

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

Present:- Mr. Rajat Gautam, Advocate for the petitioners.

Mr. G.S. Wasu, Addl. A.G., Haryana.

Mr. Amit Arora, Advocate for respondent no.2.

Mr. Angel Sharma, Advocate for respondent no.3.

TEJINDER SINGH DHINDSA.J (Oral)

The instant writ petition came up for preliminary hearing before this Court on 22.5.2019 and while issuing notice of motion the following order was passed by this Court:-

“Petitioners seek a mandamus for directing respondent No.1 to grant permission for opening/running an Ultrasound Clinic/Imaging Centre.

Case projected by counsel is that petitioner No.2 who would operate such proposed Centre possesses qualification of MD-Ayurveda (Imaging and Radio Diagnosis) which is included in the 2nd Schedule of the Indian Medicine Central Council Act 1970 and consequently eligible also for getting registration under Section 2 (p) of the Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994 as also Rule 3 (3) (1) (b) of the PC-PNDT Rules 1996. In support of such submission, counsel has even referred to a clarification dated 04.10.2018 (Annexure P-2) issued by under Secretary to the Government of India, Ministry of Ayurveda, Yoga and Naturapathy, Unani, Siddha and Homeopathy (AYUSH).

Counsel submits that the permission had been applied for in November 2018 and respondent No.1 who is the competent authority sought clarification/direction in the matter from the Director General, Health Services-cum-Chairperson State Appropriate Authority, Haryana, Panchkula vide letter dated 31.01.2019 (Annexure P-3) but till date no final decision in the matter has been taken.

Notice of motion returnable for 22.07.2019.

Mr. N.K. Parmar, AAG, Haryana, accepts notice on behalf of respondent No.1 and waives service. A complete copy of the writ paper- book already stands furnished to him.

Process dasti for effecting service upon respondents No.2 and 3.”

Learned State counsel submits that respondent no.1, who is otherwise the competent authority, would pursue the matter against the backdrop of a clarification/direction having been sought vide letter dated 31.1.2019 (Annexure P-3) and a final decision shall thereafter be taken expeditiously.

Statement of learned State counsel is accepted.

Writ petition is disposed of with a direction to the competent authority i.e. the first respondent to take a final decision in the matter in accordance with law and within a time frame of two months from the date of receipt of a certified copy of this order.

It is, however, clarified that this Court has not opined on the merits of the claim/prayer raised in the petition.

(TEJINDER SINGH DHINDSA)
JUDGE

06.11.2019
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No