

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

CWP No.33767 of 2019

Date of Decision : 20.11.2019

Dr.Ravi Jindal

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

...

Present : Mr.Rajinder Sharma, Advocate
for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner has filed the instant writ petition seeking a Mandamus for directing the respondent No.1 i.e. Secretary, Department of Health and Family Welfare, Punjab to conclude an inquiry that stood initiated against respondent No.5 in a time bound period. Further prayer is for initiation of an inquiry pursuant to a complaint dated 13.09.2016 that the petitioner has submitted against respondent No.6.

Counsel for the petitioner has been heard at length.

In the considered view of this Court no intervention in the matter is called for.

Pleadings on record would indicate that provisional registration was accorded by the District Appropriate Authority-cum-Civil Surgeon, Patiala for running of a Test Tube Baby Centre/IVF Centre at Patiala in the name of Sh.C.D.Jindal Memorial Umeed Test Tube Baby Centre. It has been averred that present petitioner being a

Director in such Centre had purchased certain equipment and installed the same. Case of the petitioner is that his own wife Dr.Ratika and with whom there was a matrimonial dispute, in connivance with certain officials of the Health and Family Welfare Department, Punjab had got her name inserted in certain documents which had led to the issuance of the registration certificate for the Centre in question and acting on an application made by her the equipment of the Centre has been seized and thereafter even the IVF Centre has been sealed.

Allegations in the instant petition have been raised against respondents No.5 and 6, who at the relevant point of time were serving as District Family Welfare Officer and Assistant Civil Surgeon, Patiala. It has been contended that respondents No.5 and 6 have acted beyond jurisdiction and only to favour the wife of the petitioner.

It has been conceded by counsel that the IVF Centre of which the petitioner was a Director has been sealed. As per pleadings even the medical equipment installed in the Centre has been ordered to be shifted to Government Hospital, Samana.

Under such circumstances, it would be open to the petitioner, if so advised, to raise a challenge to the action of the respondent authorities in having sealed the IVF Centre and also the direction to move the medical equipment to a Government Hospital on all such grounds that may be available to him in accordance with law. In the eventuality of raising such a challenge, it would also be open for the petitioner to raise the issue of alleged arbitrary exercise

of power against respondents No.5 and 6 in such proceedings.

There being no challenge to the basic issue of sealing of the IVF Centre, it would not be open for the petitioner to seek directions qua complaints filed against respondents No.5 and 6 in terms of filing the instant petition.

In an overview of the matter, no intervention in the instant petition is called for.

Petition disposed of.

It is, however, made clear that this Court has not opined on the merits of the case and has not gone into the allegations and assertions made by the petitioner against the private respondents.

20.11.2019

(TEJINDER SINGH DHINDSA)

dss

JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No