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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 2369/2019**

DR. JINAPATTANAIK AND ORS. Petitioners
Through: Mr K. Singhal and Mr Heena Tangeli,
Advocates.
versus

UNION OF INDIA AND ANR. Respondents
Through: Ms Archana Patha Dave and Mr
Ankita Chaudhary, Advocates for
R2/CCIM.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER
% **15.04.2019**

CM APPL. 17159/2019

1. Respondent no.2 (Central Council of Indian Medicine) has filed this application, *inter alia*, praying that the stay granted by the order dated 12.03.2019, be vacated. The respondents have put on record the clarification dated 22.03.2019, whereby it was clarified that the Teachers / Hospital Clinical Staff/ Consultants, who have obtained a valid central registration, are exempt from the mandate of the letter dated 07.12.2018, which is impugned in the above-captioned petition.

2. It is clarified on behalf of the Central Council of Indian Medicine (hereafter 'CCIM') that all Teachers/Hospital Clinical Staff/Consultants who have obtained registration with the CCIM, would be exempted from the requirement of seeking registration with the concerned Stated Board/Council where the concerned College / Hospital is located.

3. The petitioner had filed the above-captioned petition, *inter alia*, impugning the letter dated 14.02.2019, issued by the Ministry of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homeopathy (AYUSH), and the letter dated 07.12.2018 issued by the CCIM. The relevant prayers made in the petition are set out below:-

- “a) To issue an appropriate writ, order and/or direction for quashing of letter bearing no. F.NO.Y.11013/2/2019-EP(1) dated 14.02.2019 issued by Ministry of Ayurveda, yoga & naturopathy, unani, siddha and homeopathy (AYUSH), letter bearing reference no. 7-100/2018-Regn. dated 07.12.2018 issued by Central Council of Indian Medicine and para no. 7(c) of Guidelines /Instructions for College Regarding Visitation 2019-20 issued by Central Council of Indian Medicine being ultra-vires to Article 19 (1) (g) of constitution of India as well as Section 36 & 29 of Indian Medicine Central Council Act, 1970 & Regulation 5(2) of Central Council of Indian Medicine (Central Register of Indian Medicine) (Amendment) Regulations, 2016;
- b) Issue an appropriate writ, order and/or direction against the respondents by directing them to adhere to the Section 29 of Indian Medicine Central Council Act, 1970 and not to harass the petitioners and other similar situated teaching staff/consultant across the Country;”

4. By virtue of the letter dated 07.12.2018, the CCIM had directed that it was “*mandatory for Teachers/Hospital Clinical Staff/Consultants to get permanent registration in Concerned State Board/Council where the college/hospital is located*”. This was further informed to all universities / institutes and colleges by the letter dated 14.02.2019 issued by AYUSH, with the direction to strictly adhere to the directions issued by CCIM.

5. It is the petitioners' case that the impugned communications are contrary to Section 29 of the Indian Medicine Central Council Act, 1970 (hereafter 'the Act'). Section 29 of the said Act is set out below:-

“29. Privileges of persons who are enrolled on the Central Register of Indian Medicine

Subject to the conditions and restrictions laid down in this Act regarding practice of Indian medicine by persons possessing certain recognised medical qualifications, every person whose name is for the time being borne on the Central Register of Indian Medicine shall be entitled according to his qualification to practice Indian medicine in any part of India and to recover in due course of law in respect of such practice any expenses, charges in respect of medicaments or other appliances or any fees to which he may be entitled.”

6. In the aforesaid context, CCIM has clarified by the letter dated 22.03.2019 that the directions issued under the impugned communication dated 07.12.2018 would not be applicable for those Teachers/Hospital Clinical Staff / Consultants, who have obtained the central registration. In view of the above clarification, the prayers made by the petitioners in the present petition stand addressed.

7. The learned counsel appearing for the petitioners submits that although all persons who have obtained the central registration are exempt, however, teachers and hospital staff who have obtained registration in another State would still be required to obtain registration of the concerned State Board/Council. He submits that in terms of Section 24 and 25 of the Act, once a person has obtained registration of any State Board/Council,

information regarding the same is required to be forwarded to CCIM, and in terms of Section 25 of the Act, CCIM is required to register the concerned person if he satisfies the requisite qualification. Needless to state that State Board/Councils as well as CCIM are required to comply with the statutory provisions. In the event the petitioners have any grievance in this regard, they are at liberty to take the appropriate remedies.

8. In view of the above, no further orders are required to be passed in the above-captioned petition. The application is allowed. Further, the above-captioned petition is also disposed of.

9. The hearing scheduled on 09.08.2019 stands cancelled.

APRIL 15, 2019
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VIBHU BAKHRU, J