

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

102

CWP-16276-2019

Date of Decision:06.02.2023

Ranjit Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

**Present: Mr. Amit Jaiswal, Advocate,
for the petitioners.**

Mr. Saurav Verma, Addl. A.G., Punjab.

VINOD S. BHARDWAJ , J.(Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents-State to register the petitioners as authorized persons to practice the Modern Scientific System of Medicine under the Drugs & Cosmetics Act, 1940.

The petitioners who are Pharmacists have approached this Court for seeking issuance of directions to the respondents-State to allow the petitioners and members of the Pharmacist Association to practice Modern Scientific System of Medicine under the Drugs & Cosmetics Act, 1940 and Rules framed thereunder by entering their names on the State Medical Register. It is averred that vide letter dated 31.12.1984 (Annexure P-7), the Director, Health & Family Welfare Punjab authorized the Pharmacists to give and suggest medicine to patients in the absence of Medical Officer and

vide letter dated 27.04.2000 (Annexure P-8) issued by the Managing Director, Punjab, Health Systems Corporation, the Pharmacists were also permitted to issue prescription/slips on the OPD slip where the doctor is not posted at the place of his posting.

The counsel for the petitioners was posed a specific question regarding the power of judicial review of a High Court to issue a mandamus to the State Government and direct entering of any name in a State Medical Register and as to whether the High Court can issue directions that a Pharmacist ought to be brought on a State Medical Register when they do not fall in any category under the Rules. Learned counsel appearing on behalf of the petitioners has failed to refer to any material by virtue whereof such a prayer can be directed in exercise of the prerogative writ under Article 226 of the Constitution of India. He seeks permission to withdraw the present writ petition, at this stage.

Dismissed as withdrawn.

February 06, 2023
seema

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No