

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20364 of 2016

1. Dr. Shilandra Kumar Son of Late Sheonandan Pandit, resident of Saraswati Sadan Old PNB Gali, Mahavir Chowk, P.S. Saharsa, District- Saharsa.
2. Dr. Rajesh Kumar Singh, Son of Late Parmeshwar Prasad Singh, resident of Gayatri Nursing Home, P.O. and P.S.- Saharsa, District- Saharsa.
3. Dr. Lalan Kumar, Son of Shri Narshing Yadav, resident of Gosain Sewa Sadan, Kachahari Dhala, P.O. and P.S.- Saharsa, District- Saharsa.
4. Dr. Hari Shekhar Bharti, Son of Birendra Ram, Resident of Village and P.O.- Atalkha, P.S.- Bashnahi Kothi, District- Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Health Department, Government of Bihar, Patna.
4. The Director in Chief, Health Services Disease Control, Bihar, Patna.
5. The Examination Controller, Health Services, Bihar, Patna.
6. Bihar State Health Society through it's Managing Director Beltron Bhawan, Patna.
7. The Civil Surgeon-cum-Chief Medical Officer, Saharsa.
8. The Union of India, through Secretary Health Department New Delhi.
9. The Medical Council of India, Pocket-14, Sector-8, Dwarka, Phase-1, New Delhi- 110077.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	M/s Alok Kumar Pranav Kumar, Advocates
For the State	:	Mr. Ajay Behari Sinha- GA 8 Kalpana, AC to GA 8
For the NMC	:	Mr. Kumar Priya Ranjan, Sr.SC Mr. Sandeep Kumar, Advocate

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT
Date : 12-11-2024

The present Writ petition has been filed for
the following reliefs:

“That this is an application on



behalf of petitioners for issuance of a writ of Certiorari for quashing/setting aside the notice dated 03.12.2016(Annexure-3) published in the daily news paper Hindustan on 05.12.2016 by which it has been notified that those Medical practitioners who are not post graduate in Radiology or Obstratics and Gynaecology and who are conducting ultrasound procedures in a Genetic Clinic or Ultrasound Clinic or Imaging Centre without one year experience or six months training, are now required to pass and furnish the certificate of six months Ultrasonography training and Competency Based Evaluation Test in view of the Central Govt. notification bearing No. 11 dated 10/01/2014 AND petitioner further prays for quashing of the resolution of the meeting dated 19.07.2016(Annexure-1/1)



communicated through letter no.861(12) dated 17.08.2016(Annexure-1) and the consequential letter bearing memo no.2192 dated 06.09.2016(Annexure-2) by which petitioners have been asked to furnish the certificates of aforesaid training failing which they will not be able to run such clinics w.e.f.01.01.2017 and for which the applications have been invited up to 14/12/2016 from such Medical practitioners to appear in the said test, where as the fact is that the central Govt. notification bearing No. 11 dated 10/01/2014 has already been struck down and has been held to be ultra vires by the Hon'ble Delhi High court in W.P.(C) 6968/2011 and other analogous cases and in other High courts also and in respect of which the matter has been travelled up to Hon'ble Supreme Court in SLP(Civil) No. 11046/2016 and other



analogous cases which is still pending AND the petitioner further prays for issuance of any other writ / writs, order / orders, direction/directions which the Hon'ble court may deem fit and proper.

2. At the very outset, the Learned counsel for the petitioners submits that this matter is squarely covered under the judgment dated 16.12.2016 passed by the Division Bench of this Court in **CWJC No. 13888 of 2016 (Dr. Rajesh Kumar Sinha & Ors. Vs. The Union of India & Ors.)** and another analogous matter, this writ petition may also be disposed of on the same terms and conditions.

3. The Learned counsel for the petitioners relied on paragraph No. 17 of the aforesaid judgment, which is as follows:

“17. Therefore, we have no hesitation to hold that in terms of Rule 3(3) (1)(b), six months training under the 2014 Rules is not a necessary qualification either for a Sonologist or for a Registered Medical



Practitioner for the purpose of Genetic Counselling Centre, Genetic Laboatory or a Genetic Clinic”

4. In such view of the matter, as it is found that present case is squarely covered by the **CWJC No. 13888 of 2016 (supra)**, the same benefit should also be extended to the petitioners.

4. With the aforesaid observation, this writ petition stands disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.11.2024
Transmission Date	

