

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CWP-20246-2021

Date of decision: 01.03.2024

VIJENDRA NATH UPADHYAY

.....Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

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

Present:- None for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present writ petition has been filed for seeking issuance of directions to respondent No.2 to grant permission to the petitioner for registration of the “Ultrasound Centre” belonging to the petitioner and as sought vide application dated 12.11.2020 and a further prayer was sought for directing respondent No.1 to conduct “Competency Based Examination” for implementation of 06 months ultrasound training Rules, 2014 as per PC & PNDT Act, 1994.

2. A written statement dated 17.11.2023 has been filed on behalf of respondents No.1 and 2 wherein it has been averred that consequent upon the receipt of the application from the petitioner, the same was considered by the District Advisory Committee, Bhiwani and District Appropriate Authority, Bhiwani in its meeting held on 11.01.2021. A decision was taken to inform the petitioner to submit certificate of “Competency based Examination” which is required as

per Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) (Six Months Training) Rules, 2014. The competence based examination was thereafter conducted on 28.06.2022 and no record has been furnished by the petitioner as to whether he appeared in the said competency based examination and has cleared the same or not.

3. Further, in the event a person otherwise wants a permission for setting up of the Ultrasound Centre, he must have been a doctor and must have put in not less than 15 years of practice. The petitioner has been working as a Sonologist for only 08 years approximately and as such, he is not even eligible for being granted such permission in view of the law laid down by the Hon'ble Supreme Court in ***SLP (Civil) No. 3058 of 2020*** titled as ***“Anil Wasti and others versus State of Chhattisgarh and others”***

4. The above said reply although having been filed in November, 2023, there is no dispute or denial to the averments contained therein.

5. In view of the abovesaid undisputed stand of the respondents, no further directions are issued at this juncture since the petitioner does not fulfil the requisite requirement for grant of registration permission.

6. The present writ petition is disposed of at this stage with liberty to the petitioner to submit an appropriate application with the respondent-authorities, if so advised, alongwith supporting documents showing his eligibility for being granted the requisite permission.

7. In the event any such application alongwith all supporting documents is furnished, the respondent-authorities shall take an appropriate action as per law.

(VINOD S. BHARDWAJ)
JUDGE

MARCH 01, 2024
Vishal sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No