

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18300 of 2023

Dr. Ajay Kumar S/o Chandrama Sah owner of Bhabhya Ultrasound Centre,
Rajiv Nagar, Near Congress Bhawan, P.O. - Siwan, P.S. - Mahadeva O.P.
District - Siwan – 841226 ... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Health Deptt. Govt. of Bihar, Patna.
2. The District Magistrate, Siwan.
3. The Civil Surgeon Cum Chief Medical Officer, Siwan.
4. The Sub Divisional Magistrate, Sadar Siwan.
5. District Program Manager (Health), Siwan.
6. Medical Office In-charge, Siwan Sadar, Siwan.
7. Block Development Officer Siwan Sadar, Siwan.
8. Circle Officer Siwan Sadar, Siwan. ... Respondents

Appearance :

For the Petitioner : Mr. Manager Sah
For the Respondents : Mr. Government Pleader 26

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

5 26-06-2025 Heard the parties.

2. The present writ petition has been filed for the following relief(s) :

(i) For quashing the order of cancellation of registration of Bhabhya Ultrasound Centre, Siwan, issued vide memo no. 2489, dated 11.11.23. by Civil Surgeon-cum-C.M.O., Siwan.

(ii) For directing the Respondents to remove the seal put upon the locks of the Bhabhya Ultrasound Centre, Siwan, and allow the petitioner to operate the Bhabhya Ultrasound Centre, Siwan, as it had been operating before sealing.



(iii) For directing the petitioner to compensate the losses and damages incurred to the petitioner because of the illegal, arbitrary sealing action done by the Respondents.

(iv) For directing the respondents to take suitable action against the members of the committee who did the action of sealing in illegal and arbitrary manner.

(v) For any relief(s) for which the petitioner may be found entitled to in the facts and circumstance of the case.

3. Learned counsel for the petitioner stated that the Respondent-authorities without having any jurisdiction or power under the Pre-conception and Pre Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 have sealed the premises of the petitioner on 29.05.2023 whereas a matter of fact the clinic was closed as the petitioner along with family had gone to his home town for Pooja. Learned counsel has stated that after repeated representations, the authorities having issued a notice dated 16.09.2023 and visited the petitioner's center on 18.09.2023 and issued a notice dated 30.10.2023 stating that the Sonologist was not present at the time of inspection and further directed the petitioner to appoint a qualified Sonologist.



Learned counsel has stated that at the time of inspection on 18.09.2023 the Sonologist who was appointed by the petitioner was suffering from paralysis and therefore was not available. Learned counsel has stated that without taking the same into consideration the authorities have straightaway passed the impugned order of cancellation. Learned counsel has therefore prayed this Hon'ble Court to give him an opportunity of appointing a qualified Sonologist and direct the authorities to consider the representation of the petitioner for renewal of his license which was cancelled vide impugned Memo No. 2489, dated 11.11.2023.

4. Learned counsel appearing on behalf of the Respondent-State has vehemently opposed the very maintainability of the present Writ Petition and stated that the authorities have conducted a surprise inspection of the premises and found that the person who was operating the Ultrasound machine was not qualified person and therefore they have directed the petitioner to submit the details of the qualified Sonologist. However, the petitioner has failed to do so and on the next date of inspection also the qualified Sonologist was not present therefore a decision has been taken to cancel the license of the petitioner. Learned counsel has therefore prayed this



Hon'ble Court to dismissed the present Writ Petition.

5. A perusal of the impugned order as well as the actions taken by the authorities reveals that the initial inspection took place on 29.05.2025 and 30.05.2023 and thereafter the petitioner was directed to see that the qualified Sonologist was present at the time of next inspection. However, on the next date of the inspection, i.e., 18.09.2023 the Sonologist was not present and the impugned order of cancellation came to be passed. As it is stated by the learned counsel for the petitioner that the petitioner is willing to appoint a qualified Sonologist for operating the Ultrasound machine, his request for granting him an opportunity for making him a suitable representation to the authority concerned for renewal of the license is accepted. The petitioner is permitted to give a suitable representation duly enclosing the copy of the appointment letter appointing a qualified Sonologist along with necessary documents to show that the Sonologist appointed by the petitioner is a qualified person. On such representation being given the authorities shall consider the same on its own merit. It is made clear that the authority shall not take into consideration the order of cancellation passed by them vide Memo No. 2489, dated 11.11.2023 while renewing the license. The entire exercise shall



be completed as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of the representation from the petitioner.

6. Having regard to the fact that sealing of the Ultrasound Center is contrary to the provisions of the Act. The authority shall immediately unseal the same. However, it is made clear that till the license of the petitioner is renewed, the petitioner shall not operate the Ultrasound Machine or run the Ultrasound Center in any manner.

6. With the above direction the Writ Petition stands disposed of.

(A. Abhishek Reddy , J)

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