

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

202

CWP-10524-2013 (O&M)

Date of Decision : March 20, 2025

PUNJAB OPHTHALMIC OFFICER'S ASSOCIATION

-PETITIONER

V/S

STATE OF PUNJAB AND ORS.

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Vivek Sharma, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, A.A.G., Punjab.

Mr. Praagbir Singh Dhindsa, Advocate for
Mr. H.S. Dhindsa, Advocate
for the respondent No.2.

Mr. Amit Arora, Advocate
for the respondent No.4-U.O.I.

KULDEEP TIWARI, J. (ORAL)

1. The prayer enveloped in the instant writ petition, which is instituted by the Punjab Ophthalmic Officer's Association, appertains to issuance of directions upon the respondent(s) to register the candidates, who have done the Ophthalmic Assistant Course, as Medical Practitioners.

2. During pendency of the instant writ petition, the Parliament enacted "The National Commission for Allied and Healthcare Professions Act, 2021" (hereinafter referred to as the 'Act of 2021'), which, in fact, redresses the grievance of the petitioner, as sketched in the instant writ petition. In view of Section 22 of the Act of 2021, which is extracted

hereinafter, this Central Act was required to be adopted by every State Government, through constituting a State Council to be called the State Allied and Healthcare Council.

“22. Constitution and composition of State Council.—(1) Every State Government shall, by notification, within six months from the date of commencement of this Act, constitute a State Council to be called the State Allied and Healthcare Council for exercising such powers and discharging such duties as may be laid down under this Act.

(2) The State Council shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the same name sue or be sued.

(3) The State Council shall consist of the following, namely:—

(a) a person of outstanding ability, proven administrative capacity and integrity, possessing a postgraduate degree in any profession of recognised category of allied and healthcare sciences from any University and having experience of not less than twenty-five years in the field of allied and healthcare sciences, out of which at least ten years shall be as a leader in the area of allied and healthcare professions to be nominated by the State Government—Chairperson;

(b) one Director or Additional Director or Joint Director representing medical or health sciences in the State Government--ex officio Member;

(c) two persons not below the rank of Dean or Head of the Department from any medical colleges of the State Government--ex officio Members;

(d) president of the Autonomous Boards constituted by the State Council under sub-section (1) of section 29--ex officio Member;

(e) two persons representing each of the recognised categories specified in the Schedule to be nominated by the

State Government having such qualifications and experience as may be prescribed by the State Government--Members; and

(f) two persons, representing charitable institutions engaged in education or services in connection with any recognised category, to be nominated by the State Government having such qualifications and experience as may be prescribed by the State Government—Members.”

3. When the instant writ petition came up for hearing on 19.02.2025, it was adjourned with directions upon the learned State counsel to have instructions from the quarter concerned, as to whether the State Council has been constituted in terms of Section 22 (supra). Today, the learned State counsel has placed on record the notification dated 29.11.2024, issued by the Government of Punjab, Department of Medical Education and Research, to submit that, the Government of Punjab has constituted Punjab State Allied and Healthcare Council on adhoc basis. He further submits that, this adhoc State Council will continue to function until the constitution of a Permanent State Council. Moreover, he submits that, now as per the Act of 2021, it is for the petitioner to approach the authority/council concerned through following all the requisite steps/measures, hence if the petitioner does so, the authority/council would take a final decision on its representation/request.

4. In view of the above, no further direction is required to be passed upon the instant writ petition, hence the same is closed. However, it is open for the petitioner to approach the authority/State Council (adhoc) concerned, in terms of the Act of 2021, for claiming the relief sketched herein. In case, the petitioner approaches the authority/State counsel (adhoc) concerned within 15 days from today, the latter shall

make a final decision on the former’s request/representation within two months thereafter.

5. Disposed of accordingly.

March 20, 2025
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No