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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3129/2025**

DR ANUJ MISHRA

.....Petitioner

Through: Mr. N. Hariharan (Sr. Adv) along
with Mr. Siddharth Yadav, Mr. Rahul
Sambher, Mr. Ayush Kumar Singh,
Ms. Kashish Ahuja, Ms. Rekha
Angara, Mr. Amar Akhtar, Mr.
Vinayak Gautam, Ms. Sana Singh,
Ms. Vasundhra N., Ms. Sneha
Balkrishan, Mr. Rahul Yadav, Advs.

versus

STATE OF NCT OF DELHI AND ORS.

.....Respondents

Through: Mr. Ashish K. Dixit (CGSC) along
with Mr. Shivam Tiwari, Ms. Deepika
Kalra, Advs.
Ms. Urvi Mohan, Adv.
Mr. Subodh Kumar Kaushik (SPC)
along with Ms. Chhaya Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

22.04.2025

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1. The present petition assails an order dated 12.11.2024 passed by the State Appropriate Authority, Government of NCT of Delhi under Section 21 of the Pre Conception & Pre Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (PCPNDT Act) whereby an appeal against the order dated 07.05.2024 passed by the District Magistrate / Appropriate Authority under Section 20 of the PCPNDT Act directing the cancellation of the license/registration granted to the petitioner's clinic i.e., M/s. Saras Medical Services, has been dismissed.



2. *Vide* order dated 07.04.2025 this Court directed the learned CGSC to take instructions as to whether the impugned order is appealable before Central Appellate Authority. The said order reads as under:

“ 3. Learned counsel for the Government of NCT of Delhi (respondent no.1) submits that the impugned order dated 12.11.2024 is appealable before the Central Appellate Authority in terms of Rule 19-A of PCPNDT Rules. The relevant notification, on which the learned counsel for the respondent no.1 seeks to place reliance, has been placed on record. The same reads as under :-

“MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

NOTIFICATION

New Delhi, the 7th May, 2018

S.O. 1903(E).—*In exercise of the powers conferred by Section 32 of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act of 1994 read with Rule 19A (1)(a) of rule thereunder the Central Government hereby appoints Central Appellate Authority for each of Union Territories, for the purpose of hearing appeal against the order of the Central Appropriate Authority or the Union Territory Appropriate Authority as follow:*

<i>Sl. No.</i>	<i>Union Territory</i>	<i>Appellate Authority</i>
<i>1</i>	<i>Andaman and Nicobar Island</i>	<i>Principal Secretary (Health)</i>
<i>2</i>	<i>Chandigarh</i>	<i>Secretary (Health)</i>
<i>3</i>	<i>Dadra and Nagar Haveli</i>	<i>Secretary (Health)</i>
<i>4</i>	<i>Daman & Diu</i>	<i>Secretary (Health)</i>
<i>5</i>	<i>Delhi</i>	<i>Secretary (Health & Family Welfare)</i>
<i>6</i>	<i>Lakshadweep</i>	<i>Secretary (Health)</i>
<i>7</i>	<i>Puducherry</i>	<i>Secretary (Health)</i>



[F.No. W.12017/06/2012-PNDT]
VANDANA GURNANI, Jt. Secy.”

4. *However, learned senior counsel for the petitioner referring to the impugned order dated 12.11.2024 submits that the same has been passed by the State Appropriate Authority and therefore, the appeal there-from would lie only before the State Government under Section 21 (ii) of the PCPNDT Act.*

5. *Let court notice be issued to Mr. Ashish Dixit, Central Government Standing Counsel, who is requested to take instructions as to whether the impugned order is appealable before the Central Appellate Authority. The petitioner is directed to serve a copy of the present petition on Mr. Ashish Dixit, learned CGSC, within 3 days from today.*“

3. It has been clarified by learned CGSC that the appeal against the impugned order dated 12.11.2024 shall lie before the Appellate Authority (i.e. Secretary, Health and Family Welfare/ Govt. of NCT of Delhi) constituted *vide* notification dated 07.05.2018. He submits that there is no impediment to the petitioner availing the prescribed appellate remedy.

4. In the circumstances, the present petition is disposed of by relegating the petitioner to the prescribed appellate remedy. The Appellate Authority shall make an endeavour to decide the appeal as expeditiously as possible and preferably within a period of six weeks from filing thereof.

5. *Dasti.*

SACHIN DATTA, J

APRIL 22, 2025/uk