

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18511 of 2024

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1. Association of Sonologist of Bihar Patna through its President Dr. Prabhash Chandra Pathak situated at B/49, S.K. Puri Patna, Bihar.
 2. Dr. Prabhash Chandra Pathak, Son of Dr. P. Pathak President of Association of Sonologist of Bihar, resident of Mahavir Colony, P.O. and P.S.- Beur, Anisabad, Patna.
 3. Dr. Rajesh Kumar Sinha, Son of Late V.P. Sinha Secretary of Association of Sonologist of Bihar, resident of Flat No.- 404, Siyason Palace, Ara Garden Road, Near Jagdeo Path, P.O.- Bihar Veterinary College, P.S.- Rupaspur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Health Department, Government of Bihar, Patna.
2. The Director-in-Chief- cum- State Appropriate Authority, P.C. and PNDT, Bihar, Patna.
3. The District Magistrate-cum- District Appropriate Authority, District- Patna.
4. The Civil Surgeon-cum- Chief Medical Officer, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashish Giri, Sr. Adv. Mr. Sumit Kumar Jha, Adv. Ms. Riya Giri, Adv. Mr. Pratik Raj, Adv.
For the Respondent/s	:	Mr. Government Advocate 10
For the State	:	Mr. Rajeshwar Singh, Adv. Mr. Jitendra Kumar, Adv.

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

19 10-02-2026

Heard the learned counsel for the parties.

2. This writ petition has been filed for the following
relief(s):-

*“That, this is an application praying
for issuance of a writ in the nature of writ of
certiorari for quashing of order dated
28.09.2018 issued under the signature of*



respondent No. 2, the Director in Chief-cum-State appropriate authority P.C. & PNDT, Bihar, Patna to the extent whereby and whereunder direction has been issued to all Civil Surgeon, Bihar prohibiting doctors, to be registered in new center who are working in Ultrasound Clinic/Centre on the basis of 6 months private training under a Radiologist and further issuance of a writ of mandamus for commanding the respondents to allow the petitioners as well as other sonologists working on the basis of aforesaid training to establish new Ultrasound center in their own name or allow to work/join them in new Ultrasound center.”

3. It is the case of the petitioner that the petitioner is an association consisting of doctors, radiologists etc.

4. Learned counsel for the petitioner submits that pursuant to the judgment of the Hon'ble supreme Court passed in ***Union of India Vs. Indian Radiological and Imaging Association and Ors. Etc.*** whereby the amendments made to The Pre-Conception and Prenatal Diagnostic Techniques (Prohibition of Sex Selection) Rules 1994 and in ***Voluntary Health Association of Punjab vs. Union of India (2013 4 SCC 1)***, the Hon'ble Supreme Court has directed the States to implement Pre- conception and Prenatal Diagnostic Techniques (Prohibition of Sex Selection) (Six months training) Rules, 2014



forthwith whereby any Registered Medical Practitioners, who are conducting ultrasound procedures in genetic clinic, ultrasound clinic or Imaging center on the basis of one year or six months training were exempted from undertaking the six months training provided they qualify in the competency based evaluation test (CBET) to be conducted by the respondent authorities. That in respect of the order of the Hon'ble Supreme Court, the authorities have not been conducting the competency based evaluation test and therefore the qualified persons are not being registered and are unable to work in new clinics/ scanning centers. Learned counsel submits that unless and until a direction is given to the respondent authority to conduct the competency based evaluation test, the members of the petitioner's who are registered medical practitioners will not be in a position to register themselves in the absence of holding the tests and a direction may be given to register the qualified medical practitioners subject to them passing the CBET, that the qualified medical practitioners cannot be left without any remedy.

5. In the supplementary counter affidavit filed by the respondents, it is stated as under:

"16. That with regard to Competency Based Evaluation Test (CBET), it is stated and



submitted that the process for providing CBET examination and training is currently underway. In that context a review meeting was held on 05.11.2025 under the chairmanship of Secretary, Health Department, Government of Bihar, Patna in which the agenda of Six month Ultrasonography training under PN & PNDT Act was discussed in detailed and necessary direction was issued accordingly.

18. That in reply to the Health Departmental letter No. 1430(12) dated 07.11.2025, the Joint Secretary (RCH), Ministry of Health and Family Welfare, Government of India, New Delhi has issued a letter to the Secretary, Health Department, Bihar, Patna vide letter No. F: 12013/77/2025/PNDT dated-15.12.2025 to the following effects:

I. As per Rule 1 1(1) of the Six Months Training Rules 2014 under the PC & PNDT Rules 1996 "The institutes conducting the said six months training for registered medical practitioners shall, appoint the Post-graduate teachers in Radiology or Obstetrics or Gynecology recognized by the respective regulatory bodies as full time faculty for the said training programs".

II. As per Rule 7(2) The names of the institutes recognized for this purpose shall be notified State-wise by the State Health Education Department:

Provided that the training institutes recognized for imparting the six



months training shall maintain the standards of infrastructure, equipment and manpower including the faculty as per the apex regulatory bodies like Medical Council of India the National Board of Examination.

III. Further, the implementation of the PC & PNDT Act lies with the respective State Government. Therefore, it is requested to take further course of action as per provisions of the PC & PNDT Act 1994 & Rules 1996.

19. That it is stated and submitted that the answering Department is actively perusing the matter to finalize the process for providing CBET examination and training in accordance with law.”

6. Having regard to the above stand taken by the authorities, this Court deem it fit to allow the present C.W.J.C. with the following directions : 1. The respondent authorities are directed to see that the examination contemplated under the (CBET Examination and Training) PC & PNDT Rules, 1996 are completed within a period of two months from the date of receipt of the copy of this order. 2. In case the authorities are unable to conduct the CBET examination within the stipulated period of two months, then they shall register the Registered Medical Practitioners so as to enable them to work in ultrasound



scanning centre/clinic. The registration will be subject to their appearing and clearing the CBET exam whenever it is conducted.

(A. Abhishek Reddy , J)

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