

(2021) 06 UK CK 0066

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 2659 Of 2019

Dapic Paramedical Society & Others

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 21-06-2021

Acts Referred:

Constitution Of India, 1950 — Article 13(2), 19(1)(g), 254

Citation : (2021) 06 UK CK 0066

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Subhash Upadhyay, T.S. Phartiyal, Atul Bahuguna, Shashank Upadhyay

Final Decision : Dismissed

Judgement

Manoj Kumar Tiwari J

1. Heard learned counsel for the parties through video conferencing.

2. Petitioner no. 1 is the Para Medical Society, which runs a Para Medical College in Dehradun. The students, who passed out from the college run by petitioner no. 1, were denied registration by Uttarakhand State Medical Faculty and the representation made by petitioner no. 1 in terms of order of this Court passed in Writ Petition (M/S) No.761 of 2018, having been rejected by respondent no. 2, petitioner has approached this Court seeking the following reliefs:

â??a) To issue writ, order and direction in the nature of certiorari to call for records and further to declare section 20 and Section 25 of the Act as illegal, arbitrary being violative Article 13(2), Article 19(1)(g) and Article 254 of the Constitution of India and further to quash the order/letter dated

29.07.2017 and letter dated 09.02.2018 and letter dated 20.02.2018 issued by respondent no. 2 whereby respondent no. 2 has directed the institute to

immediately stop the courses offered namely Diploma in Lab Technician and Diploma in X-ray Technician.

b) To issue writ, order and direction in nature of certiorari to call for records and quash the order dated 28.06.2019 passed by respondent no. 3.and/or

in alternative

c) To issue writ, order and direction in the nature of mandamus directing to direct respondents no. 2 and 3 to register the name of the students of

petitioner no. 1 as well as petitioners no. 2 to 5 in the rolls maintained by respondent no. 2.â??

3. Learned counsel for the petitioners has drawn attention of this Court to an order passed by Secretary, Medical Health & Family Welfare,

Uttarakhand on 18.09.2019, which is part of record as Annexure No.-9 to the counter affidavit, filed on behalf of respondent no.1. In para 5 of the

said order, it has been stated that if petitioner-college makes application for permission to run paramedical courses, then such application shall be

considered by the State Government, in accordance with law.

4. In view of the said statement, as made in para no. 5 of the order dated 18.09.2019 passed by Secretary, Medical Health & Family Welfare,

Uttarakhand , Mr. Subhash Upadhyay, learned counsel appearing for the petitioner seeks permission to withdraw the writ petition with liberty to move

appropriate application to the State Government. He further prays that a time frame may be fixed so that the application of the petitioners may be

decided without any delay, in order to protect the interest of the students studying in petitionersâ?? college.

5. As prayed by Mr. Subhash Upadhyay, learned counsel for the petitioners, the writ petition is dismissed as withdrawn with liberty to the petitioners

to approach the State Government in terms of the statement made in para no. 5 of the order dated 18.09.2019.

6. This Court hopes and expects that if petitioners make an application for permission to run the paramedical courses within two weeks from today,

decision thereupon shall be taken as early as possible, but not later than eight weeks from the date of receipt of such application along with certified

copy of this order.