
(2011) 08 P&H CK 0034

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 14177 of 2011

Dr. Ramneek Singh Bedi and another

APPELLANT

Vs

Union of India and others

RESPONDENT

Date of Decision : 05-08-2011

Acts Referred:

Clinical Establishments (Registration and Regulation) Act, 2010 — Section 12(2), 2

Citation : (2011) 08 P&H CK 0034

Hon'ble Judges : A.K. Goel, Acting C.J.;Ajay Kumar Mittal, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Adarsh Kumar Goel, ACJ.—This petition seeks declaration that the Clinical Establishments (Registration and Regulation) Act, 2010 is ultra vires the Constitution.

2. Case of the petitioners is that they are medical practitioners having their clinics. The Act lays down the requirement of seeking registration, providing for penal consequences in absence of registration. Registration can be granted only on fulfillment of conditions lays down under the Act. Section 12(2) of the Act requiring facilities to stabilise the emergency medical condition of any individual who is brought to clinical establishment.

3. According to the learned counsel for the petitioners requirement of providing for facilities for stabilisation of emergency medical condition of an individual is arbitrary and interference with the right of the petitioners to carry on their profession. The petitioners are only running their clinics and they may not be able to provide for facilities for stabilising the emergency medical condition of individuals who are brought to such clinics. Those who cannot provide such facilities cannot be debarred from carrying on their medical profession.

We are unable to accept the submission.

4. Clinical establishment as defined u/s 2(c) covers various types of clinical establishment. Facilities for stabilising, expected to be provided in each such establishment, will obviously mean facilities expected from the type of clinical establishment run, by an institution or an individual. An individual medical practitioner may not be expected to do something impossible by providing facilities at par with a big hospital. Interpretation of a statutory provision depends upon situation which may arise. The provisions of the Act do not create any impossible situation so as to affect the right of the petitioners to practice the medical profession. There is, thus, no ground to interfere at this stage. The individual fact situation can be considered as and when the same arises.

The writ petition is dismissed.