
(2014) 12 P&H CK 0146
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 8874 of 2014

Jawed Alam

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 15-12-2014

Acts Referred:

Citation : (2015) 1 RCR(Civil) 899

Hon'ble Judges : Satish Kumar Mittal, J;Deepak Sibal, J

Bench : Division Bench

Advocate : Yousaf, Advocates for the Appellant; Gaurav Garg Dhuriwala, DAG, Advocates for the Respondent

Judgement

Satish Kumar Mittal, J.—The petitioner is running two scanning centres under the same name, one at Garhshankar in District Hoshiarpur, and the other at Banga in District S.B.S. Nagar. It is the case of the petitioner that he has received a notice dated 28.04.2014 from the Senior Medical Officer, Garhshankar, who is the appropriate authority under the Pre-Conception & Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, and the Rules framed thereunder, seeking explanation from the petitioner as to how he is running two scanning centres in two Districts, which is not permissible under the Rules framed under the Act. Copy of the said notice has been annexed with the petition as Annexure P-8.

2. Learned counsel for the petitioner has drawn the attention of this court towards Rule 3(3) of the Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Rules, 1996, inserted vide notification dated 04.06.2012, with effect from 05.06.2012, which reads as under:--

"Each medical practitioner qualified under the Act to conduct ultrasonography in a genetic clinic/ultrasound clinic/imaging centre shall be permitted to be registered with a maximum of two such clinics/centres within a district. The consulting hours for such medical practitioner, shall be clearly specified by each

clinic/center."

According to the learned counsel, a person/organisation or medical practitioner is fully eligible and qualified to run maximum two scanning centres in a district, whereas the petitioner is running one such centre in district Hoshiarpur and one in district SBS Nagar. Thus, there is no violation of the aforesaid Rule. In spite of this, notice has been issued to the petitioner.

Since the present petition has been preferred challenging a show cause notice, we find the present writ petition to be pre-mature and therefore, we dispose of this petition with liberty to the petitioner to submit reply to the aforesaid notice dated 28.04.2014 (Annexure P-8) to the appropriate authority, who after hearing the petitioner will consider the said reply in accordance with law and decide the matter by recording reasons. Till then, no action would be taken against the petitioner.