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25/8/14
Copy of Order Dated.....
17/9/14

IN THE HIGH COURT OF JUDICATURE OF
RAJASTHAN AT JAIPUR BENCH, JAIPUR

D.B.CIVIL WRIT PETITION NO. 9009 OF 2014



1. Dr. Mahaveer Prasad Goyal S/o Shri Shyam Lal Goyal (Radiologist M.D. Radio Diagnosis), aged about 48 years, R/o B-105, Jawahar Enclave, Sector 2, Jawahar Nagar, Jaipur.
2. Dr. Pramod Kumar Chaudhary S/o Shri Omprakash Singh Chaudhary (Radiologist), aged about 44 years, R/o B-144, Sethi Colony, Jaipur.

-PETITIONERS

VERSUS

1. Union of India through it's Secretary, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi.
2. Medical Council of India, through it's Secretary, Pocket-14, Sector 8, Phase-I, Dwarka, New Delhi.



सही - प्रतिलिपि
3/2/14
पञ्जाबी सिंह

3. Principal Secretary, Health and Family Welfare, State of Rajasthan, Jaipur.

RESPONDENTS

D.B. CIVIL WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

AND

IN THE MATTER OF ARTICLE 14, 16 & 21 OF THE CONSTITUTION OF INDIA.

AND

IN THE MATTER OF THE PRE-CONCEPTION AND PRE-NATAL DIAGNOSTIC TECHNIQUES (PROHIBITION OF SEX SELECTION) ACT, 1994.

AND

IN THE MATTER OF RULE 3 (3) (3) AND RULE 13 OF THE PRE-CONCEPTION AND PRE-NATAL DIAGNOSTIC TECHNIQUES (PROHIBITION OF SEX SELECTION) RULES, 1996 AS AMENDED BY (AMENDMENT) RULES 2014.



सहो - प्रतिलिपि

पञ्चासतिक
जयपुर

IN THE MATTER OF RESTRICTING THE
RADIOLOGIST TO PERFORM SONOGRAPHY AT
MORE THAN TWO CENTRES.

ANDk

IN THE MATTER OF PRINCIPAL OF NATURAL
JUSTICE.



सही - प्रतिलिपि
प्रशासनिक विभाग
राजस्थान उच्च न्यायालय पीठ,
जयपुर

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**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JAIPUR BENCH, JAIPUR**

D.B. CIVIL WRIT PETITION NO.9009/2014

15.09.2014

HON'BLE THE ACTING CHIEF JUSTICE MR. SUNIL AMBWANI
HON'BLE MR. JUSTICE VEERENDR SINGH SIRADHANA

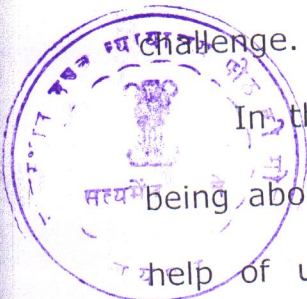
Mr. Manoj Kumar Choudhary for the petitioners.
Dr. Mahaveer Prasad Goyal petitioner No.1 in person.
Dr. Pramod Kumar Chaudhary petitioner No.2 in person.

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The respondents have been served. No reply has been filed on their behalf. Let a detailed reply be filed within a period of three weeks, giving reasons supported by the statistics for the amendment of Rule 3(3), placing restrictions of a qualified doctor to be associated with not more than two Ultrasonography Centers, in Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Rules, 1996 vide notification dated 4.6.2012.

We are informed that the Delhi High Court had granted ad-interim stay on the enforcement of the amended Rule 3(3) in the Rules of 1996, under challenge vide order dated 23.7.2012, against which a Special Leave to Appeal is pending in the Supreme Court. The misuse sought to be remedied by the notification under challenge.

In the State of Rajasthan, thousands of female foetus are being aborted on the sex determination tests carried out with the help of ultrasound machines. The sex ratio of the population,



the new horns in the State of Rajasthan, is highly

disproportionate, and thus, we do not find any good reason to grant any interim relief, allowing the petitioners to be associated with more than two hospitals, which may lead to lending their names to many centers. We are informed by the petitioner No.1, who is the Secretary of the Association of Radiologists in the State of Rajasthan that for 1700 registered ultrasound machines, there are only 350 qualified radiologists. It is thus apparent that about 1000 ultrasound machines are being operated without a qualified person and their results are being verified by unqualified persons, giving rise to misuse of these machines for sex determination which leads to unauthorised abortion of female foetus.

Considering the overriding public interest involved herein, especially in the State of Rajasthan, the application for interim relief is rejected.

List on 11.11.2014 for hearing.

(VEERENDR SINGH SIRADHANA), J.

(SUNIL AMBWANI), ACTG. CJ.

Skant/-, Proof Reader

