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IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W.P.NO. 1654 OF 2002

BETWEEN

1. Sanjay Kumar Baghel S/o Shri Santosh Kumar Baghel,
aged about 29 years , R/o Village Mohtara, Post
Deoorgonta, (SAJA) District Durg (CG).
2. Deepak Kumar Panjwani S/o Dr. Shanker Lal Panjwani,
aged about 35 years , R/o Main Road Korba, District
Korba (CG).

PETITIONERS

A N D

The State of Chhattisgarh,
Through the Secretary Department of Health and
Family Welfare, Mantralay, D.K.S. Building, Raipur.

2. The State of Madhya Pradesh,
Through the Secretary Department of Health and
Family Welfare Mantralay, Vallabh Bhawan, BHOPAL.
3. The M.P. Board of Ayurvedic and Unani System
of Medicine and Naturopathy , Bhopal (MP).
Through the Registrar, Shyamla Hills, BHOPAL (MP).
4. The Chhattisgarh Board of Ayurvedic and Unani
System of Medicine and Naturopathy , Raipur
Through the Registrar, RAIPUR (CG).

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE
CONSTITUTION OF INDIA

1. Particulars of the Petitioners :
As stated in the cause title above.
2. Particulars of the Respondents :
As stated in the cause title above.

P. R. No. 1648
Presented by Shri M. K. Baghel
dated 12.08.02



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HIGH COURT OF CHHATTISGARH : BILASPUR

In the matter of an application under Articles 226 and 227 of the Constitution of India.

W.P.No.1654/2002

Sanjay Kumar Baghel and another	Petitioners
Versus	
State of Chhattisgarh and Others	Respondents

W.P.No.1727/2002

Nitish Kumar Bishwas & Others	Petitioners
Versus	
State of Chhattisgarh and Others	Respondents

W.P.No.1885/2002

Abdul Salim Raj & Others	Petitioners
Versus	
State of Chhattisgarh and Others	Respondents

For Petitioners	:	Shri Prashant Mishra Shri Manoj Paranjape (in W.P.No.1727/2002)
For Respondents	:	Shri Sanjay Kumar Agrawal, Dy. A.G. for respondent No.1. None for respondent Nos.2 & 3 Ms. Sharmila Singhai for respondent No.4.

Date of Order

28-10-2002

PRESENT:

HON'BLE SHRI JUSTICE P.C. NAIK

Since a common question is involved in these three petitions, on the prayer of the learned counsel for the

parties, they are heard analogously and are being disposed of by this common order.

In view of the limited nature of the prayer made at the time of hearing, which is for a direction to the respondent No.3 to consider the question of registration of the petitioner in accordance with the rules, regulations and guidelines governing the field, no useful purpose will be served in keeping this writ petition pending, which on the prayer of learned counsel for the parties, are being disposed of at the admission stage.

According to the petitioners (in each petition), they have acquired Vaidya Visharad and Ayurved Ratna qualification from Hindi Sahitya Sammelan, Prayag - Allahabad and on the basis thereof, they had approached respondent No.3 for issuance of a form so as to enable them to apply for registration, but the said respondent No.3 did not issue any form with the result that they have not been able to get themselves registered as Pharmacists. Aggrieved therewith, the petitioners are before this Court.

In support of their claim for registration, reliance is placed on a decision of the M.P. High Court in M.P.No.287/1990 (Sekhar Jain - Vs - State of Madhya Pradesh & Others) and W.P.No.558/2001 (Zehirulla Khan & another - Vs - State of Chhattisgarh & Others), copies whereof are annexed as P-1 and P-12 (in

W.P.No.1654/2002), P - 3 and P - 6 (in W.P.No.1727/2002) and P - 1 and P - 17 (in W.P.No.1885/2002). In rebuttal, the State has relied on the judgment of the Supreme Court in the case of State of Rajasthan - Vs - Lata Arun, 2002 A.I.R. S.C.W. 2966. However, in view of the limited nature of the prayer made, it is not necessary to go into the merits of the case.

Accordingly, in view of the prayer made at the time of hearing, the writ petition is disposed of by directing the respondent No.3 to issue appropriate forms to each petitioner, so as to enable them to apply for registration. It is made clear that the issuance of a form under the direction of a Court is not to be construed as a direction requiring the said respondent to grant registration to the petitioners. The question of their registration will have to be decided on merits by the respondent No.3 in accordance with the rules, regulations and guidelines governing the field and in case the authorities come to the conclusion that under the said rules, regulations and guidelines the petitioners are not entitled for registration, this order shall not preclude them from passing appropriate orders to that effect.

A copy of this order be kept in W.P.No.1727/2002 and 1885/2002.

Sd/-
P.C.Naik
Judge