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Sr. No.	Date	Orders
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% 27.09.2004

Present : Mr. U.K. Shandilya, Advocate for the petitioner.
Mr. Siddharth Mridul with Mr. Ritesh Singh, Advocates
for the respondents.

+ WP (C) 6287-88/2004


The writ petition was filed by the petitioner association seeking quashing of the impugned order dated 25.11.2003. The controversy in question arises on account of the rights claimed by the members of the petitioner association to practice medicine on the ground that the recommendation of the Committee of Experts was not proper.

There were certain proceedings which arose in the Allahabad High Court as a consequence of an order passed by the Supreme Court. The Supreme Court had passed orders in D.K. Joshi Vs. State of U.P. (2000) 5 SCC 80, and when contempt proceedings were filed it was directed that those should be initiated before the Allahabad High Court. The petitioner moved an application for impleadment therein and the Division Bench has considered all the matters in issue which are sought to be raised in the present petition. A categorical finding has been given by the Division Bench to the effect that the report of the Committee of Experts must be accepted and the High Court would not sit in appeal over that issue. Not only this the Division Bench went further to state that the field of medicine claimed for by the petitioner association cannot be accepted as scientific method of treatment and does not fall in any approved categories under the various Acts. The claim of learned counsel for the petitioner that the decision of the respondent affected the right to practise the profession has also been dealt with. In fact learned counsel in the present petition had made the submission before the Allahabad High Court.

The result of the aforesaid is that the between the same parties a judgment has been rendered against the very pleas raised by the petitioner before this

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		<p>Court. To permit the petitioner to argue now on merits on the controversy after the Division Bench judgment of the Allahabad High Court has pronounced on the matter would not be appropriate for the reason that it is a judgment not rendered between any third parties but on the contentions of the petitioner itself who had filed the present proceedings and had also filed the application as aforesaid before the Allahabad High Court.</p> <p>I am thus of the considered view that no relief can be granted to the petitioner in view of the findings recorded by the Allahabad High Court in the decision dated 31.08.2004 in Special Appeal No.624/2004 titled <u>The Electro Homeopathic Practitioners Association of India & Anr. Vs. Shri A.P. Verma & Others.</u></p> <p>Dismissed.</p> <p>September 27, 2004 mb</p> <p> SANJAY KISHAN KAUL, J</p>