

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6721 OF 2005

Dr.Arun Abhimanyu Biswas .. Petitioner
v/s.
State of Maharashtra and others .. Respondents

[Mr.B.G.Tangsali for the petitioner.](#)

Mr.P.M.Patil, Assistant Government Pleader for the respondents.

CORAM : [R.M.LODHA &](#)
[NARESH H. PATIL, JJ.](#)

DATED : 31ST JULY, 2006.

ORAL ORDER (Per R.M. Lodha, J.)

The petitioner Arun Abhimanyu Biswas uses Doctor (Dr.) before his name based on having passed Ayurvedratna examination from Hindi Sahitya Sammelan, Allahabad (Hindi University) in the year 1989 and a registration certificate issued by Rajkiya Ayurvedic and Unani Chikitsa Parishad, Bihar under the provisions of Bihar Development of Ayurvedic and Unani Systems of Medicine Act, 1951. He is practicing medicine at Vishwas Clinic, Shop No.159, Kherwadi, Bandra (East), Mumbai and claims that by virtue of his practice and experience, he is able to diagnose, treat, operate and prescribe medicine for ailments, diseases, injuries, pains, deformity, physical condition and render medical assistance

to the needies. The prayer of the petitioner is that it be declared that he is entitled to practice medicine in the State of Maharashtra and an appropriate direction be issued in that regard.

2. The counsel for the petitioner submits that since the petitioner's name is entered in the register maintained under section 22 of the Bihar Development of Ayurvedic and Unani System of Medicine Act, 1961, his name gets registered in the Central Register of Indian Medicine under section 23 of the Indian Medicine Council Central Act, 1970 and once the petitioner's name gets registered in the Central Register of Indian Medicine, by virtue of section 29, he gets privilege to practice Indian medicine in any part of India.

3. The submission of the counsel for the petitioner is wholly misconceived and devoid of any substance. Even if we assume that the petitioner's name is entered in the register maintained under section 22 of the Bihar Development of Ayurvedic and Unani System of Medicine Act, 1961, the fact of the matter is that the petitioner's name is not yet entered in the Central Register of Indian Medicine. The petitioner's name having not been registered in the Central Register of Indian Medicine, obviously, there is no question of petitioner acquiring any privilege to practice Indian medicine in any part of the country. Moreover, the petitioner's name is not entered in any of the registers provided in section 33 of the Maharashtra Medical Practitioner Act, 1961 and, therefore, he is not entitled to practice as the medical practitioner.

4. The writ petition is, accordingly, liable to be dismissed and is dismissed in limine. The respondents shall be free to take suitable action against the petitioner for contravention of the provisions of the Maharashtra Medical Practitioner Act, 1961.

(R.M.LODHA, J.)

(NARESH H. PATIL, J.)