

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.15827 of 1990

Date of decision: February 27, 2009.

Association of Registered Medical Practitioners & Ors.

...**Petitioner(s)**

v.

State of Haryana & Ors.

...**Respondent(s)**

CORAM:**HON'BLE MR. JUSTICE SURYA KANT**

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. Whether to be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

Present: None for the parties.

ORDER

Surya Kant, J. - (Oral):

The petitioners seek quashing of State of Haryana's decision in not permitting them to practise in Ayurvedic and Unani System of Medicines and also seek a direction to the respondents not to interfere with their profession of medical practitioner in Ayurvedic and Unani System of Medicines.

Briefly stated, the facts are the petitioners claim to have passed the degree of Ayurveda Rattan from Hindi Sahitya Sammelan Paryag, Allahabad. Based on that, they got themselves registered with the State Ayurvedic and Unani Chikitsa Council, Bihar and are claiming to have been practising in the State of Haryana from last over 20 years. Their grievance is that the State of Haryana has now refused to recognize the professional degree obtained by them from Hindi Sahitya Sammelan, Prayag as well as their registration by the State Ayurvedic and Unani Chikitsa Council, Bihar.

The respondents have filed their counter affidavit taking a categorical plea that the Hindi Sahitya Sammelan Parishad, from where the petitioners are reported to have obtained their degree of Ayurved Rattan, is not recognized by the Govt. of India and that only those practitioners of Indian Medicine are entitled to practise in Ayurvedic and Unani Medicine in the State of Haryana who are either registered under the Punjab Ayurvedic and Unani Practitioners Act, 1963, as applicable to the State of Haryana, or the Indian Medicine Central Council Act, 1970. Since the petitioners are not registered practitioners under the above stated State and/or the Central Acts, they are not entitled to practise as the professional medical practitioners in the State of Haryana.

On December 13, 1990, notice of motion was issued on the premise that though the identical writ petition, i.e., CWP No.3670 of 1985 had already been dismissed by a learned Single Judge on 14.2.1986, the Letters Patent Appeal against the said judgment was admitted and pending.

The Office has reported that LPA No.261 of 1986 against the above mentioned judgment of the learned Single Judge has also been dismissed by a Division Bench of this Court by an elaborate judgment dated December 09, 1993.

Having gone through the Division Bench judgment dated December 9, 1993 in LPA No.261 of 1986 (**Mohmad Azam & Ors. v. State of Haryana & Ors.**), I do not find any merit in this writ petition which is accordingly dismissed for the reasons assigned in Mohmad Azam's case (supra).

February 27, 2009.
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[**Surya Kant**]
Judge