

WP(C) 3822/2016

BEFORE

HON'BLE MR JUSTICE ARUP KUMAR GOSWAMI

These two writ petitions are directed against the order dated 17.6.2016, passed by the Joint Director of Health Services, Goalpara, closing down the Health Establishments of the petitioners. The order reads as follows:

It has been found that in spite of repeated instruction from the undersigned to close down your Laboratory/X-Ray Centre until approval and getting necessary registration of license from higher authority, you are running your Laboratory/X-Ray Centre without any information and permission from the office of the undersigned.

Hence, you are hereby directed to close down your Laboratory/X-Ray Centre immediately and not to functionalize it till receipt of license from Health Authority.

Failure to which will be liable for necessary disciplinary action as per Assam Health Establishment Act, 1993 & 1995.

On specific instruction, Mr. S.K. Talukdar, learned standing counsel, Health Department submits that as Rules under the Clinical Establishment Act, 2010, for short the, 2010 Act, have not been yet been framed and as it is in the process of being finalized, petitioners may be allowed to continue to run their Health Establishments and that the writ petition can be disposed of by setting aside the order dated 17.6.2016. He, however, submits that the petitioners will have to comply with the requirements that may be incorporated in the Rules once the same are framed.

Mr. H. Das, learned counsel for the petitioners submits that petitioners will take necessary steps and comply with the Rules when the same are brought into operation.

In view of the submission of Mr. Talukdar, there will be no surviving cause of action and therefore, the writ petitions are disposed of setting aside the order dated 17.6.2016 and providing that the petitioners will be allowed to run their Health Establishments. It is also provided that when the Rules under the 2010 Act are framed and brought into effect, the petitioners will comply with the requirements that may be embodied in the Rules.