

**Court No. - 37**

**Case :- CONTEMPT APPLICATION (CIVIL) No. - 820 of 2002**

**Petitioner :-** Rajesh Kumar Srivastava

**Respondent :-** Shri A.P.Verma And Others

**Petitioner Counsel :-** Shashi Nandan,A.K. Singh,Anil Tiwari,Chetan Chatterji,Dr.K.P.Bajpai,Jayant Banerjee,R.K. Tiwari,Raghvendra Shanker,Ravi Kant,Sandhya Agrawal,Sunnet Kumar,T.A.Khan,U.N. Sharma,V.D. Agarwal

**Respondent Counsel :-** S.C.,A. Bhanot,A.K. Misra,A.K.

Pandey,A.K.Srivastava,Atul Dayal,B. Sahai,Chandan Sharma,D. Awasthi,G.P. Srivastava,H.P. Singh,J.P.Sharma,K.A.Usmani,K.C. Pandey,M.K. Pandey,M.K. Singh,M.K. Tiwari,Mahendra Bahadur,Mohd Arif,N. Singh,N.K.Verma,Neeraj Tiwari,P.N. Yadav,P.P. Tewari,Pankaj Naqvi,R.A. Yadav,R.B.Pradhan,R.K. Khanna,R.K.Srivastava,R.P. Tiwari,R.P.Pandey,R.P.S. Kushwaha,Rajiv Gupta,Rajiv Sharma,S.A. Gilani,S.K. Srivastava,Sanjai Kumar,Shashi Shekhar Tiwari,T.P. Singh,Umesh Narain Sharma,V.K. Malviya,V.K.Rastogi,V.N. Srivastava,Vikram Nath,Vipin Saxena

**Hon'ble Sunil Ambwani,J.**

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Sri J.K. Tiwari, learned standing counsel is present.

In this matter, the Court has passed several orders for registration of qualified and registered medical practitioner, and for prohibiting those who are not qualified and are unregistered, or those who have practicing medicines, having qualifications in other fields. The orders have been passed, in pursuance to the directions issued by the Supreme Court in **D.K. Joshi Vs.State of U.P. and others** [2000 (5) SC 80].

There are reports in the newspapers that large number of unauthorized, unqualified and unregistered persons are still practicing modern medicine. It is alleged that they are practicing in connivance with the Chief Medical Officers of the State, and his staff.

The Chief Secretary and the Principal Secretary (Medical Health) are directed to comply with the orders passed by the Court, prohibiting the unauthorized, unregistered and unqualified persons, to practice modern

medicine.

The Chief Medical Officers and the District Magistrates of the State are also directed to carry out raids and prohibit such persons from practicing medicine. The Court also directs that where it is found that the persons having no qualification at all, or that the persons having qualifications in different fields, such as Homeopathy, Unani, Ayurved, Siddha, Tibbi etc are practicing modern medicines by prescribing drugs and carrying out surgeries/operations, the Chief Medical Officers and District Magistrates will immediately initiate prosecution against such persons by lodging FIR. They will also seal such clinics/nursing homes.

The District Magistrates and the Chief Medical Officers, are also directed to carry out inspection of diagnostic centres, running in their districts for compliance of the provisions of PC and PNDT Act. Those persons who are running the ultra sound machine and the nursing homes for sex determination should be sternly dealt with under the provisions of the Act. They will also liable for prosecution and also sealing of their machines and clinics.

Let the Chief Secretary and Principal Secretary (Medical Health Department) will submit a compliance report by 13.07.2012.

**List on 13.07.2012.**