

SLP(C)No. 22124 OF 2002
ITEM No.7

Court No. 8

SECTION IVB

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.22124/2002

(From the judgement and order dated 29/04/2002 in CWP 6451/02
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

VAID BRIJ BHUSHAN SHARMA

Petitioner (s)

VERSUS

BOARD OF AYUR.& UNANI SYSTEMS,MED.&ANR.

Respondent (s)

(With prayer for interim relief &
With Appln(s). for exemption from filing O.T. urging addl. grounds)

Date : 02/12/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DORAISWAMY RAJU
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL

For Petitioner (s) Mr. B.D. Sharma,Adv.

For Respondent (s)

UPON hearing counsel the Court made the following

O R D E R

Heard the learned counsel for the petitioner.

The High Court, in the case before us, has followed an earlier decision of this Court reported in Delhi Pradesh Registered Medical Practitioners vs. Director of Health, Delhi Admn. Services and others (1997 (11) SCC 687) to deny the relief to the petitioner. The learned counsel for the petitioner, on the other hand, now sought to rely upon the decision of this Court reported in Dr. Mukhtiar Chand and Ors. vs. State of Punjab and others (1998 (7) SCC 579) to contend that this being a three Judge Bench Judgment, the same has to be applied to the case on hand.

We are of the considered view that the Judgment of the three Judge Bench reported in Dr. Mukhtiar Chand and others case (supra) is totally different on principles as also the basis of claim therein, from the one relevant and necessary so far as the case on hand is concerned. The right of the petitioner therein to continue to practice as registered medical practitioner was not claimed on the basis of a degree of Vaid Visharad and Ayurved Rattan awarded by Hindi Sahitya Sammelan, Paryag as in this case, before us. The efficacy of this very degree to entitle the holders thereof to continue to practice as medical practitioner by virtue of the saving clause and protection under Section 17(3) of the Indian Medicine Central Council Act, 1970, had come up for decision in the earlier case and with particular reference to the provisions of Section 14 of the Indian Medical Central Council Act, 1970, read with the provisions contained in the schedule thereto it has been held that only such of those degrees issued between 1931 and 1967 were alone recognised for the purposes and not the one obtained by the Petitioner in the year 1974, long after the coming into force of Section 14 on 15-8-1971 in the whole of the country. In the light of the above principles which directly applied to the case of the petitioner we find no merit in this petition and the same is dismissed.

(D.L. Chugh)
Court Master

(K.K. Chadha)
Court Master