

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THE 10TH DAY OF JANUARY 2013

BEFORE

THE HON'BLE MR. JUSTICE DILIP B. BHOSALE

WRIT PETITION NOS 32239 / 2012 (GM-RES)  
& 35847-35857/2012



682  
L. Naray

Petitioners

- 1 MEDICAL ULTRA SOUND SOCIETY OF KARNATAKA (R)  
REGISTERED OFFICE AT VISHAL TOWERS, 18/3,  
1 FLOOR, 1 MAIN ROAD, SAMPANGIRAMNAGAR,  
BANGALORE-560 027  
REP BY ITS SECRETARY SMT. P. CHITRA GANESH
- 2 DR. H.T. NARAYANA S/O SRI. H.G. THIMMAIAH  
R/AT NO.60, BHEL OFFICERS HOUSING SOCIETY,  
NANDINI LAYOUT, BANGALORE-560 096.
- 3 DR. B.S. RAMAMURTHY S/O B.L.S. MURTHY  
R/AT NO.B-3, RANGARAO ROAD,  
SHANKARPURAM, BANGALORE-560 004.
- 4 DR. PRITI VENKATESH  
W/O DR. VENKATESH KRISHNAMURTHY  
R/AT NO.301, 39TH CROSS, 8TH BLOCK,  
JAYANAGAR, BANGALORE-560 070.
- 5 DR. JAYALAKSHMI VIJAYAN W/O DR. P. VIJAYAN  
R/AT NO.G1, ASHRAYA APARTMENTS,  
NO.63, SOUTH CROSS ROAD,  
BASAVANAGUDI, BANGALORE-560 004.
- 6 DR. AKHILA DILIP W/O DR. DILIP GOPALA KRISHNAN  
R/AT NO.81/1, EAST ANJANEYA TEMPLE STREET,  
BASAVANAGUDI, BANGALORE-560 004.
- 7 DR. ASLAM PASHA S/O T. ANWER PASHA  
R/AT NO.64, THOMAS TOWN, BANGALORE-560 021.
- 8 DR. SANTHOSH PAUL S/O K.P. MATHIAH  
R/AT NO.212, 8TH MAIN, KEB LAYOUT,  
BTM I STAGE, BANGALORE-560 021.
- 9 DR. MANOJ KUMAR N. RAHEJA S/O LATE NANDLAL REHEJA  
R/AT NO.348, LAKSHMI ROAD, 7TH CROSS,  
SHANTHINAGAR, BANGALORE-560 027.
- 10 DR. CHITRA GANESH S/O MR. GANESH SHIVASHANKAR  
R/AT NO.330, 8TH MAIN, M.S. RAMAIAH CITY,  
J.P.NAGAR, 8TH PHASE, B.G. ROAD, BANGALORE-560 076.
- 11 DR. V.SUGUNADEVI W/O C SARAVANAN  
R/AT. NO.40, CC ROAD, COX TOWN, BANGALORE-560 021.
- 12 DR. ASMA TABASSUM W/O MR. SHABBIR AHMED  
NO.23, BALAJI LAYOUT, COOKE TOWN BANGALORE-560 084.

By Sri R NATARAJ & LOKESH K S  
Vs

Respondents

- 1 UNION OF INDIA  
DEPARTMENT OF HEALTH AND FAMILY WELFARE,  
NIRMAN BHAVAN,  
NEW DELHI REP BY ITS SECRETARY



Contd..2/-

This certificate copy contains 5 pages  
and a court fee stamp of Rs. 5000/- is affixed



--: 2 :-

2 THE APPROPRIATE AUTHORITY  
REP BY THE JOINT DIRECTOR OF HEALTH AND FAMILY  
WELFARE DEPARTMENT OF HEALTH AND FAMILY WELFARE,  
ANAND RAO CIRCLE,  
BANGALORE-560 001.

(GSC for R1; HCGP for R2)

Whereas, a Writ Petition filed by the above named  
petitioner under Article 226 of the Constitution of India,  
has been registered by this court.

After hearing, the Court made the following:-

ORDER

XEROX COPY OF THE ENTIRE ORDER DATED 10-01-2013 ENCLOSED  
HEREWITH SEPARATELY.

COPY

Assistant REGISTRAR

*16/01/13*

ak-24113.5



DBBJ: W.P.NO.32239/2012(GM-RES)  
10.01.2013

**PC:**

Heard learned counsel for the petitioner, Sri.N.Unnikrishnan, learned counsel for respondent No.1 and Sri.E.S.Indiresh, learned HCGP for respondent No.2.

Learned counsel for respondent No.1 seeks further time to take instructions and file statement of objections.

Learned counsel for the petitioner invited my attention to the orders passed by the High Courts of Delhi and Bombay to submit that the very same rule, which is under challenge in the present writ petition, was challenged in the petitions before those High Courts. Both the High Courts have granted ad-interim stay to the operation of the rule inserted by the Pre-conception and Pre-natal Diagnostic Techniques



(Prohibition of Sex Selection) Amendment Rules, 2012.

The relevant Rule reads thus;

"(3) Each medical practitioner qualified under the Act to conduct ultrasonography in a genetic clinic/ultrasound clinic/imaging centre shall be permitted to be registered with a maximum of two such clinics/centres within a district. The consulting hours for such medical practitioner, shall be clearly specified by each clinic/centre".

Hence, there shall be ad-interim stay of the operation of the aforementioned rule.

However, it is clarified that the consulting hours for such medical practitioners may be specified by each clinic/centre as consulting hours in the ordinary course, but such specifications shall not prohibit such medical practitioners, when the medical exigency so require, from attending the concerned clinic/centre at other times also.

S.O. to 07.02.2013. It is needless to mention that

statements of objections are filed by the respondents,



copies thereof be served upon the petitioner's counsel well in advance.

Sd/-  
JUDGE

COPY

*16/2/13*  
Assistant Registrar  
High Court of Karnataka  
Bangalore - 560 001

*16/2/13*  
Section Officer  
High Court of Karnataka  
Bangalore - 560 001



- a) The date on which the application was made ..... *15/1/13*
- b) The date on which charges and addl charges, if any, are called for.....
- c) The date on which the charges and addl charges, if any, are paid.....
- d) The date on which the copy is ready ..... *31/1/13*
- e) The date of intimating that the copy is ready for delivery ..... *31/1/13*
- f) The date on which copy is delivered to applicant, fee.....

10.