

## HIGH COURT OF CHHATTISGARH, BILASPUR

## Order Sheet

WPC No. 58 of 2017Dr. Shweta Andhare **Versus** Union Of India

WPC 68/2017, WPC 72/2017 &amp; WPC 131/2017

19/01/2017	<p>Shri Sunil Otwani, Shri Manoj Paranjape, Shri Amrito Das and Shri Pawan Kesarwani, counsel for the petitioners.</p> <p>Shri Narayan K. Vyas, Assistant Solicitor General for respondent No.1/Union of India.</p> <p>Shri J.K.Gilda, Advocate General and Shri Adhiraj Surana, Dy.G.A. for the State/respondents 2 &amp; 3.</p> <p>This petition has been listed along with other connected petitions wherein the petitioners have challenged the validity of Rule 3(3)(1)(b) of Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Rules, 1996 and Rule 6 of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Rules 2014.</p> <p>Counsel for the petitioners submit that the Rules under challenge have already been stuck down by the High Court of Delhi, High Court of Himachal Pradesh, High Court of Madras, High Court of Patna and High Court of Punjab &amp; Haryana. It has been argued that</p>	
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some of the other High Courts like High Court of



of examination would be a futile exercise and therefore the proposed examination be stayed and the respondents be directed not to take any coercive steps against the petitioners and similarly situated persons.

Learned Advocate General submits that no harm would be caused in conducting the examination. He however does not dispute the factual position.

Considering the facts and circumstances of the case, till the next date of hearing, respondents are restrained from conducting any such Competency Base Assessment Test. State authorities are further directed not to take any coercive steps against the petitioners and similarly placed doctors.

List this case after six weeks.

Sd/-

Sd/-

**Pritinker Diwaker**

**R. C. S. Samant**

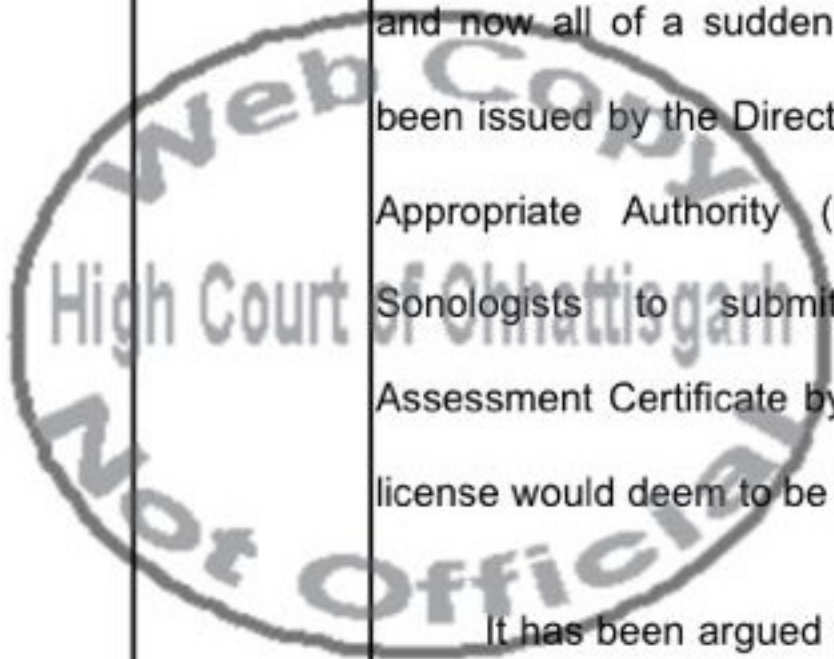
Judge

Judge

some of the other High Courts like High Court of Madhya Pradesh, High Court of Rajasthan, High Court of Karnataka and High Court of Jharkhand have also entertained the similar writ petitions and have passed interim orders.

Counsel for the petitioners submit that though the Rules were framed on 9<sup>th</sup> January 2014 by respondent No.1 but till date no Competency Base Assessment Test has been conducted by the State of Chhattisgarh and now all of a sudden order dated 30.12.2016 has been issued by the Director, Health Services and State Appropriate Authority (PC & PNDD) asking the Sonologists to submit the Competency Base Assessment Certificate by 01.01.2017 failing which the license would deem to be suspended.

It has been argued that thereafter on 13.01.2017, notice has been issued by the Director, Medical Education for conducting the examination. Further, it has been argued that the order passed by the Delhi High Court striking down the Rules has been assailed before the Apex Court in S.L.P. No. 16657-16659 of 2016 but even the Apex Court has not granted any stay. Counsel submits that once the matter is subjudice before the Apex Court there is no interim order in favour of the Union of India or the State authorities, conducting





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