

WPMS No. 1524 of 2016

**U.C.Dhyani, J.**

Mr. Lalit Sharma, Advocate, present for the petitioners.

Mr. P. C. Bisht, Standing Counsel, present for the State.

By means of present writ petition, the petitioner prays for the following relief, among others:

*“(a) A writ, order or direction in the nature of mandamus commanding the respondent no.2 to register the petitioners as Community Medical Services Practitioners.*

*(b) A writ, order or direction in the nature of mandamus commanding the respondents not to interfere in the peaceful practice of the petitioners as Community Medical Services Practitioners till they are registered in accordance with law.”*

Learned counsel for the petitioners confined his prayer only to the extent that the respondent no. 2 be directed to decide the representation of the petitioner by passing a reasoned and speaking order in accordance with law.

Learned counsel for the petitioners drew the attention of this Court towards annexure-2, which is an order, passed by the Coordinate Bench of this Court on 29.07.2010, in Writ Petition (M/S) No. 1308 of 2010, relevant portion of which is being reproduced herein below:

“Having heard learned counsel for the parties and in view of the aforesaid statement of Mr. H.S.Rawal, as an interim measure, till the next date of listing, it is provided that the respondents shall not interfere with the practicing of the petitioners as Community Medical Services Practitioner in the State of Uttarakhand.”

Learned counsel for the State, on the other hand, drew the attention of this Court towards the order dated 20<sup>th</sup> August, 2010, passed by this Court in WPMS No. 1525 of 2009. Relevant portion of the same is being reproduced herein below:

“In the above facts and circumstances of the case, liberty is given to the petitioners to make a fresh application separately before the respondent no.2 and they shall also file their original certificates before the authority concerned, which entitle them for registration in the State of Uttarakhand, as sought by them. If the application is made by the petitioners within a period of one month from today along with requisite documentary proof in support thereof, as above, the authority concerned shall decide the applications of the petitioners in accordance with law by a speaking and reasoned order, expeditiously, preferably within a period of six weeks thereafter from the date of production of a certified copy of this order. In case the petitioners make fresh applications, as directed above, the interim order dated 10-9-2009 shall continue until their applications are decided by the respondent no.2.

With the above observation, the writ petition is disposed of finally.”

Learned counsel for the State submitted that if a representation is given by the petitioners to the respondent no. 2, the same shall be decided by the said authority in accordance with law.

Having heard learned counsel for the parties and having gone through the records of the case, the writ petition is disposed of by directing the writ petitioners to make a fresh presentation before the authority concerned. The authority concerned shall decide the said representation by passing a reasoned and speaking order at the earliest possible, but not later than eight weeks of the presentation of the certified copy of this Order along with a copy of the representation.

The respondents shall not interfere with the practicing of the petitioners as Community Medical Services Practitioner in the State of Uttarakhand till then.

Needless to say that the decision so taken by the authority concerned shall be communicated to the petitioners thereafter.

**(U.C.Dhyani, J.)**

03.06.2016

Kaushal