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*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 7588/2016

HAIDER KHALID AND ORS. Petitioners

Through: Mr.Samrat Nigam, Advocate with
Ms.Tanya Agrawal, Advocate.

versus

UNION OF INDIA AND ANR. Respondents

Through: Ms.Monika Arora, CGSC with
Mr.Yash Tyagi and Mr.Subhrodeep,
Advocates for UOI and Dr.Poonam
Meena, Dy.Secretary, Mr.Dhiraj
Kumar, ASO and Mr.Akshat
Agarwal, Legal Assistant.

+ W.P.(C) 8322/2017 & CM APPL.41667/2017

THE INDIAN ASSOCIATION OF PHYSIOTHERAPISTS (IAP)

..... Petitioner

Through: Mr.Hitendra Nath Rath, Advocate.

versus

UNION OF INDIA Respondent

Through: Mr.Bhagvan Swarup Shukla, CGSC
with Mr.Vikrant, Mr.Sarvan Kumar
and Mrs.Sunita Shukla, Advocates for
UOI.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE SAURABH BANERJEE



ORDER
12.04.2023

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Learned counsel for the respondents No.1 and 2 states that she has received instructions by way of e-mail dated 11th April, 2023 from Deputy Secretary (AHS), Ministry of Health and Family Welfare. The said e-mail is reproduced hereinbelow:-

(A) “As far as the issue related to the concern raised by the Hon’ble High Court of Delhi, that two or more physiotherapists can form a society/trust which can own/control/manage a clinical establishment, but a single physiotherapist cannot own/control/manage a clinical establishment in his/her own name, is concerned, the following is to submit:

1. A meeting of the National Council for Clinical Establishments (a statutory body under the Clinical Establishments (Registration and Regulation) Act, 2010) was held on 16.03.2023, in which Representatives of all the State Councils and other stakeholders were members. In that meeting, this issue was discussed, and it was of the view that an amendment is necessary in the Clinical Establishments (Registration and Regulation) Act, 2010.

2. It is further to submit that there is a provision for the ‘Individual Proprietorship’ in the head of the Ownership of the clinical establishments, in the form for registration, which is available on the website of the Clinical Establishments Act, 2010, at the weblink:<http://www.clinicalestablishments.gov.in/AuthenticatedPages/cms/Files/293.pdf>.

(B) 1. With respect to point no. (ii), it is submitted that as of now Search-cum-Selection Committee under NCAHP Act, 2021 for the selection of Chairperson, Vice-Chairperson and Secretary for NCAHP has been constituted on 23.08.2022. Several meetings of the Search-cum-Selection Committee were held under the Chairmanship of Secretary (Health) & Chairman of Search-cum-Selection Committee. Names for the post of Chairperson, Vice-Chairperson and Secretary for NCAHP has been finalized and being sent tomorrow for ACC approval. Hence, the constitution of



NCAHP is under process.

2. As per provision 10(1) of the NCAHP Act, 2021. The Commission shall, by notification, constitute Professional Council for every recognized category and shall consist of a president and members, not less than four and not exceeding twenty-four, representing each profession in the recognised category having such qualifications and experiences as may be prescribed by the Central Government.

The constitution of the Professional councils will follow after the constitution of the National Commission for Allied and Healthcare Professions.”

Respondents No.1 and 2 are directed to file an affidavit in conformity with the aforesaid instructions within two weeks.

Let a status report be filed by the respondents No.1 and 2 before the next date of hearing.

List on 11th July, 2023.

CM APPL.17372/2023

In view of the aforesaid order, learned counsel for the petitioners-applicants does not wish to press the present application at this stage.

Consequently, the application stands dismissed as withdrawn.

MANMOHAN, J

SAURABH BANERJEE, J

APRIL 12, 2023
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