



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.14988 of 2026
CNR No. ODHC010352002026

(In the matter of an application under Articles 226 and 227 of the Constitution of India)

Jagabandhu Barik

....

Petitioner

-versus-

State of Odisha and others

....

Opposite Parties

Advocate(s) appeared in this case:-

For Petitioner : Ms. P.S. Mohanty, Advocate

For Opposite Parties : Mr. S.K. Jee, A.G.A.

CORAM: JUSTICE B.P. ROUTRAY

JUDGMENT
6th August 2026

B.P. Routray, J.

1. Heard Ms. P.S. Mohanty, learned Advocate for the Petitioner and Mr. S.K. Jee, learned Additional Government Advocate for State-Opposite Parties.

2. The Petitioner is working as Assistant Professor in the Department of Radio-Diagnosis in V.S.S. Institute of Medical Sciences and Research, Burla (VIMSAR). The Petitioner being a Radiologist applied for conducting radio-diagnosis in a private hospital, i.e. Rajaram Health Care, Attabira in the district of Bargarh and the



Superintendent of VIMSAR issued 'No Objection Certificate' on 16.12.2025 at Annexure-2 stating that the authority has no objection if the Petitioner performs ultrasound at Rajaram Health Care, Attabira beyond his duty hours. But subsequently on 06.04.2026, the Chief District Medical and Public Health Officer, Bargarh prohibited the Petitioner from performing the USG in Bargarh as per Rule 3(3) of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Rules, 1996 (in short, "PC & PNDT Rules"). Said order dated 06.04.2026 under Annexure-3 is impugned in present writ petition.

3. Ms. Mohanty, learned counsel for the Petitioner, submits that the Petitioner as a qualified Radiologist has been permitted to perform USG in VIMSAR in addition to his duty and his authority has no objection in this regard to conduct USG at Rajaram Health Care, Attabira as per Annexure-2. But the order of the Chief District Medical and Public Health Officer, Bargarh at Annexure-3 prohibiting him conducting the USG, in terms of Rule 3(3) of the PC & PNDT Rules, is completely unsustainable as the same is found inapplicable to present Petitioner. It is also submitted that, when the Petitioner has been permitted by the Superintendent of VIMSAR to conduct USG in



Rajaram Health Care, Attabira, the Chief District Medical and Public Health Officer, Bargarh has no authority to deprive him on the ground that he is serving in Sambalpur District, taking aid of the provisions under Rule 3(3) of the PC & PNDT Rules.

4. The State has filed its counter stating that the District Advisory Committee of Bargarh have decided to disallow the Petitioner in their proceeding dated 24.03.2026 keeping in view the provisions contained in Rule 3(3) of the PC & PNDT Rules. It is further stated that when the Petitioner is working as Assistant Professor in VIMSAR, Burla in the district of Sambalpur, he cannot be permitted to perform USG at Rajaram Health Care Ultrasound Clinic situating at Attabira in the district of Bargarh. Mr. Jee, learned A.G.A. submits that the Petitioner, who is working in the district of Sambalpur, cannot come beyond the limits of his working district to conduct the USG in a private clinic situating in the district of Bargarh. He further submits that though the provision allows the Doctor to conduct USG in two hospitals in one district, but nowhere is it permitted to conduct the USG in two different districts, particularly in case of in a Government Doctor.



5. It is relevant to re-produce Rule 3(3) of the PC & PNDT Rules qua the contentions raised by the parties.

“(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.”

As stated above, the medical practitioner qualified under the Act is permitted to be registered with a maximum two such ultrasound centres/clinics within a district.

6. But there is no express prohibition contained under the provisions of the Act and Rules to debar the medical practitioner from conducting such practice in two clinics in two different districts. The prescription of maximum two clinics in one district cannot be extended to interpret two clinics in two different districts. The obvious intention to mention in a district is due to the specific authority mentioned for each district under the Act and Rules, i.e. the District Advisory Committee. Since each district contents one District Advisory Committee (DAC) for same district and there cannot be one Committee for more than one district, the wordings have been written that ‘within a district’.



7. The plain interpretation of the provisions in Rule 3(3) read with the object of the Act does not contradict to such provisions of the Act or intention of the Legislature by permitting the medical practitioner to conduct ultrasonography in two different clinics in two districts. There cannot be any hindrance in view of the provisions of the PC & PNDT Act and Rules to debar the medical practitioner from conducting ultrasonography in two clinics situating in two different districts and such an interpretation would be not in consonance with the object of the Act.

8. The impugned order under Annexure-3 purportedly suggests that since the Petitioner is working in Sambalpur district, he cannot be permitted to conduct ultrasonography at a clinic in Bargarh district. This would be beyond the authority in Bargarh district in view of “No Objection” granted in favour of the Petitioner by his employer. When the Superintendent of VIMSAR, where the Petitioner is working as Assistant Professor, has not raised any objection for conducting ultrasonography by the Petitioner at Rajaram Health Care, Attabira in the district of Bargarh, the District Advisory Committee of Bargarh cannot reject the prayer of the Petitioner to conduct ultrasonography at Rajaram Health Care on the ground that the Petitioner is working as a



Radiologist in Sambalpur district. It is relevant here to take note of the submission of the Petitioner that, Sambalpur and Bargarh are two adjacent districts and the distance between Burla to Attabira is around 25 kms only. Therefore, there cannot be any objection on the part of the District Advisory Committee of Bargarh when the employer of the Petitioner has permitted him to conduct ultrasonography at Attabira.

9. Though the Petitioner has been refused to conduct ultrasonography at Rajaram Health Care, Attabira with purported reasons under Rule 3(3) of the PC & PNDT Rules, but on analysis of the same no justification is seen on the part of the District Advisory Committee of Bargarh to apply the provisions of Rule 3(3) of the PC & PNDT Rules to reject the request of the Petitioner, particularly when the Petitioner is admittedly a qualified Radiologist. It is thus found that the authorities at Bargarh have debarred the Petitioner from conducting ultrasonography at Rajaram Health Care, Attabira on mis-interpretation of the provisions contained in Rule 3(3) of the PC & PNDT Rules and thus, this Court is inclined to set aside the impugned order.

10. In the result, the impugned order dated 06.04.2026 under Annexure-3 is set aside and Opposite Party No.2 is directed to grant



required permission in favour of the Petitioner to conduct ultrasonography at Rajaram Health Care, Attabira, if no other legal impediment is there.

11. With aforesaid observations and direction, the writ petition is disposed of.

(B.P. Routray)
Judge