



HC-KAR

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NC: 2025:KHC-D:17894
WP No. 105933 of 2025
AND CONNECTED MATTERS

R

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 10TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

WRIT PETITION NO. 105933 OF 2025 (GM-RES)

C/W

WRIT PETITION NOS. 103827 OF 2025, 103828 OF 2025,

103829 OF 2025, 103831 OF 2025, 103832 OF 2025,
103842 OF 2025, 103843 OF 2025, 103844 OF 2025,
103845 OF 2025, 103846 OF 2025, 103847 OF 2025,
103848 OF 2025, 103849 OF 2025, 103850 OF 2025,
103851 OF 2025, 103852 OF 2025, 103853 OF 2025,
103854 OF 2025, 103855 OF 2025, 103856 OF 2025,
103857 OF 2025, 105939 OF 2025, 105941 OF 2025,
106291 OF 2025, 106292 OF 2025, 108567 OF 2025

IN W.P. NO.105933/2025

BETWEEN:

JAGADEESHA MOGER
S/O. MADEV MOGER
AGED ABOUT 39 YEARS
RESIDING AT: DURGA NILAYA
SODIGADDE, BELKE, BHATKALA,
UTTARA KANNADA
KARNATAKA 581320.

...PETITIONER

(BY SRI. ANIRUDH A KULKARNI, SRI. VASISTA RAMPRASAD AND
SMT. SHREYAS S. ADVOCATES)

AND:

1. STATE OF KARNATAKA
R/BY ITS PRINCIPAL SECRETARY,





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DEPARTMENT OF HEALTH AND FAMILY WELFARE,
GOVERNMENT OF KARNATAKA,
VIKASA SOUDHA, DR B. R. AMBEDKAR VEEDHI
BENGALURU 560001

2. THE COMMISSIONER
COMMISSIONERATE OF HELATH AND FAMILY
WELFARE SERVICES, AROGYA SOUDHA,
1ST BLOCK, MAGADI ROAD, BENGALURU 560023.
3. THE DISTRICT HEALTH OFFICER
UTTARA KANNADA DISTRICT
DISTRICT HOSPITAL COMPLEX
UTTARA KANNADA 577201
4. THE ADMINISTRATIVE MEDICAL OFFICER
TALUK GENERAL HOSPITAL BHATKALA
UTTARA KANNADA DISTRICT 581320
5. THE ASSISTANT DRUGS CONTROLLER
DRUGS CONTROL DEPARTMENT UTTARA KANNADA
CIRCLE
C/O DISTRICT SURGEON, DIST HOSPITAL,
KARWAR-585401.
6. PHARMACEUTICALS AND MEDICAL
DEVICES BUREAU OF INDIA (PMBI)
R/BY ITS CHIEF EXECUTIVE OFFICER
HAVING OFFICE AT 8TH FLOOR,
VIDEOCON TOWER BLOCK E1, JHANDEWALAN
EXTENSION, NEW DELHI 110055.

...RESPONDENTS

(BY SRI.J.M. GANGADHAR AAG A/W
SRI. T. HANUMAREDDY FOR R1 TO R5;
SRI. VENKATESH M. KHARVI, ADVOCATE FOR R6)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF
CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR
DIRECTION QUASHING THE IMPUGNED GOVERNMENT ORDER
BEARING NO.AA.KU.KA.173 PTD 2025 DATED 14.05.2025 AT
ANNEXURE-A AT PAGE NOS.27 TO 29 AS BEING ARBITRARY,
DISCRIMINATIVE AND VIOLATIVE OF PRINCIPLES OF NATURAL



JUSTICE, AND FUNDAMENTAL RIGHTS GUARANTEED UNDER THE CONSTITUTION OF INDIA, 1950 AND THE LAW LAID DOWN BY HONBLE SUPREME COURT OF INDIA AND ETC.,

IN W.P. NO.103827/2025

BETWEEN:

RAKESH M
S/O. MAHALINGAPPA L.,
AGED ABOUT 28 YEARS,
R/O. ANNAPURNAAMMA
HULL SANTA PETE,
POST: KUSANUR HAVERI,
KARNATAKA - 581 120.

...PETITIONER

(BY SRI. ANIRUDH A. KULKARNI,
VASISTA RAMPRASAD &
SHREYAS S., ADVOCATES)

AND:

1. STATE OF KARNATAKA,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HEALTH AND
FAMILY WELFARE, GOVERNMENT OF KARNATAKA,
VIKASA SOUDHA, DR. BR AMBEDKAR VEEDHI,
BENGALURU - 560 001.
2. THE COMMISSIONER,
COMMISSIONERATE OF HEALTH AND FAMILY,
WELFARE SERVICES, AROGYA SOUDHA,
1ST BLOCK, MAGADI ROAD,
BENGALURU - 560 023.
3. THE DISTRICT HEALTH AND
FAMILY WELFARE OFFICER
HAVERI DISTRICT, ZILLADALITA BHAVAN
DEVAGIRI, HAVERI KARNATAKA - 581 110.
4. THE ADMINISTRATIVE MEDICAL OFFICER,
COMMUNITY HEALTH CENTRE,
AKKIALUR, HANAGAL TALUK,
HAVERI DIST - 581 110.



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5. PHARMACEUTICALS AND MEDICAL,
DEVICES BEREAU OF INDIA PMBI,
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER,
HAVING OFFICE AT 8TH FLOOR,
VIDEOCON TOWER, BLOK E1,
JHANDEWALAN EXTENSION, NEW DELHI – 110 055.

...RESPONDENTS

(BY SRI. J.M.GANGADHAR AAG A/W
SRI. T. HANUMAREDDY, AGA FOR R1 TO R4;
SRI. VENKATESH M. KHARVI, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OF DIRECTION QUASHING THE IMPUGNED GOVERNMENT ORDER BEARING NO. AA.KU.KA. 173 PTD 2025 BENGALURU DATED 14.05.2025 AT ANNEXURE - A AT PAGE NOS. 27 TO 29 AS BEING ARBITRARY, DISCRIMINATIVE AND VIOLATIVE OF PRINCIPLES OF NATURAL JUSTICE, AND FUNDAMENTAL RIGHTS GUARANTEED UNDER THE CONSTITUTION OF INDIA, 1950 AND THE LAW LAID DOWN BY HON'BLE SUPREME COURT OF INDIA. B) ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION RESTRAINING THE RESPONDENTS, THEIR AGENTS, SERVANTS OR ANYONE CLAIMING THROUGH THEM FROM TAKING ANY COERCIVE ACTION AGAINST THE PETITIONER PURSUANT TO THE IMPUGNED GOVERNMENT ORDER BEARING NO. AA.KU.KA. 173 PTD 2025, BENGALURU DATED 14.05.2025 AND ETC.,

IN W.P. NO.103828/2025

BETWEEN:

NARENDRA P
S/O. HALANJAYA PANIYAPPA,
AGED ABOUT 28 YEARS,
RESIDING AT HUNISHIHALLI,
SASVENAHALLI, HARAPANAHALI,
DAVANAGERE,
KARNATAKA – 583 127.

...PETITIONER

(BY SRI. ANIRUDH A. KULKARNI,
VASISTA RAMPRASAD &
SHREYAS S., ADVOCATES)



AND:

1. STATE OF KARNATAKA,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HEALTH AND
FAMILY WELFARE,
GOVERNMENT OF KARNATAKA,
VIKASA SOUDHA,
DR. BR AMBEDKAR VEEDHI,
BENGALURU – 560 001.
2. THE COMMISSIONER,
COMMISSIONERATE OF
HEALTH AND FAMILY
WELFARE SERVICES, AROGYA SOUDHA,
1ST BLOCK, MAGADI ROAD,
BENGALURU – 560 023.
3. THE DISTRICT HEALTH OFFICER,
BALLARI DISTRICT,
DISTRICT HOSPITAL COMPLEX,
BALLARI – 583 101.
4. THE CHIEF MEDICAL OFFICER,
TALUK GENERAL HOSPITAL,
SANDR TOWN,
BALLARI DISTRICT – 583 119.
5. PHARMACEUTICALS AND MEDICAL
DEVICES BUREAU OF INDIA PMBI
REPRESENTED BY ITS
CHIEF EXECUTIVE OFFICER,
HAVING OFFICE AT 8TH FLOOR,
VIDEOCON TOWER, BLOK E1,
JHANDEWALAN EXTENSION,
NEW DELHI – 110 055.

...RESPONDENTS

(BY SRI. J.M.GANGADHAR AAG A/W
SRI. T. HANUMAREDDY, AGA FOR R1 TO R4;
SRI. VENKATESH M. KHARVI, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227
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DIRECTION QUASHING THE IMPUGNED GOVERNMENT ORDER



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BEARING NO. AA.KU.KA. 173 PTD 2025 BENGALURU DATED 14.05.2025 AT ANNEXURE A AT PAGE NO. 25-27 AS BEING ARBITRARY, DISCRIMINATIVE AND VIOLATIVE OF PRINCIPLES OF NATURAL JUSTICE AND FUNDAMENTAL RIGHTS GUARANTEED UNDER THE CONSTITUTION OF INDIA, 1950 AND THE LAW LAID DOWN BY HON'BLE SUPREME COURT OF INDIA. B. ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION RESTRAINING THE RESPONDENTS, THEIR AGENTS, SERVANTS OR ANY ONE CLAIMING THROUGH THEM FROM TAKING ANY COERCIVE ACTION AGAINST THE PETITIONER PURSUANT TO THE IMPUGNED GOVERNMENT ORDER BEARING AA.KU.KA. 173 PTD 2025 BENGALURU DATED 14.05.2025 AND ETC.,

IN W.P. NO.103829/2025

BETWEEN:

ASHWINI KANTI
C/O. RAMESH KANTI,
AGED ABOUT 38 YEARS,
RESIDING AT JAKANUR,
BAMKHANDI TALUK, BAGALKOT,
KARNATAKA - 587 301.

...PETITIONER

(BY SRI. ANIRUDH A. KULKARNI,
VASISTA RAMPRASAD &
SHREYAS S., ADVOCATES)

AND:

1. STATE OF KARNATAKA,
RETPD BY ITS PRL. SECRETARY,
DEPT OF HEALTH AND FAMILY WELFARE,
GOVT. OF KARNATAKA,
VIKASA SOUDHA,
DR. B.R. AMBEDKAR VEEDHI,
BENAGLURU-560 001.
2. THE COMMISSIONER,
COMMISSIONERATE OF HEALTH AND
FAMILY WELFARE SERICES,
AROGYA SOUDHA,
1ST BLOCK, MAGADI ROAD,
BENGALURU - 560 023.



3. THE DIRECTOR,
ZILLA HEALTH AND
FAMILY WELFARE OFFICE,
ROOM NO. 130,
ZILLA ADMINISTRATIVE OFFICE
BAGALKOT, KARNATAKA – 587 102.
4. THE CHIEF MEDICAL OFFICER,
TALUK GENERAL HOSPITAL,
NO.556 AND 557 GROUND FLOOR,
JAMAKHANDI, BAGALKOT – 587 103.
5. PHARMACEUTICALS AND
MEDICAL DEVICES BUREAU OF INDIA(PMBI)
RETPD BY ITS CHIEF EXECUTIVE OFFICER,
HAVING OFFICE AT 8TH FLOOR,
VEDEOCON TOWER,
BLOCK E1, JHANDEWALAN EXTENSION,
NEW DELHI – 110 055.

...RESPONDENTS

(BY SRI. J.M.GANGADHAR AAG A/W
SRI. T. HANUMAREDDY, AGA FOR R1 TO R4;
SRI. VENKATESH M. KHARVI, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OF DIRECTION QUASHING THE IMPUGNED GOVERNMENT, ORDER BEARING NO. AA.KU.KA. 173 PTD 2025, BENGALURU DATED 14.05.2025 AT ANNEXURE - A AT PAGE NOS. 25-27 AS BEING ARBITRARY, DISCRIMINATIVE AND VIOLATIVE OF PRINCIPLES OF NATURAL JUSTICE, AND FUNDAMENTAL RIGHTS GUARANTEED UNDER THE CONSTITUTION OF INDIA, 1950 AND THE LAW LAID DOWN BY HON'BLE SUPREME COURT OF INDIA. B) ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION RESTRAINING THE RESPONDENTS, THEIR AGENTS, SERVANTS OR ANYONE CLAIMING THROUGH THEM FROM TAKING ANY COERCIVE ACTION AGAINST THE PETITIONER PURSUANT TO THE IMPUGNED GOVERNMENT ORDER BEARING NO. AA.KU.KA. 173 PTD 2025 BENGALURU DATED 14.05.2025. C) PASS SUCH OTHER ORDER AS THIS HON BLE COURT MAY DEEM FIT IN THE FACTS AND CIRCUMSTANCES OF THIS CASE, IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.,



IN W.P. NO.103831/2025

BETWEEN:

MEENAKSHI S. SALIMATA
W/O. RUDRAIAH S. MATHAD,
AGED ABOUT 41 YEARS,
RESIDING AT DANDAGIHALLI,
BILLAHALLI, HAVERI,
KARNATAKA - 581 208.

...PETITIONER

(BY SRI. ANIRUDH A. KULKARNI,
VASISTA RAMPRASAD &
SHREYAS S., ADVOCATES)

AND:

1. STATE OF KARNATAKA,
REPRESENTED BY ITS PRL. SECRETARY,
DEPT OF HEALTH AND FAMILY WELFARE,
GOVT. OF KARNATAKA, VIKASA SOUDHA,
DR. B.R. AMBEDKAR VEEDHI,
BENAGLURU - 560 001.
2. THE COMMISSIONER,
COMMISSIONERATE OF HEALTH AND FAMILY
WELFARE SERICES, AROGYA SOUDHA,
1ST BLOCK, MAGADI ROAD,
BENGALURU - 560 023.
3. THE DISTRICT HEALTH AND FAMILY
WELFARE OFFICER, DEVAGIRI,
KARNATAKA - 581 110.
4. THE ADMINISTRATIVE MEDICAL OFFICER,
HONNALLI RANEBENNUR ROAD,
BEERESHWAR NAGAR,
GOURI SHANKAR NAGAR,
RANEBENNUR, KARNATAKA - 581 115.
5. PHARMACEUTICALS AND
MEDICAL DEVICES BUREAU OF INDIA(PMBI)
RETPD BY ITS CHIEF EXECUTIVE OFFICER,
HAVING OFFICE AT 8TH FLOOR,
VEDEOCON TOWER,



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BLOCK E1, JHANDEWALAN EXTENSION,
NEW DELHI – 110 055.

...RESPONDENTS

(BY SRI. J.M.GANGADHAR AAG A/W
SRI. T. HANUMAREDDY, AGA FOR R1 TO R4;
SRI. VENKATESH M. KHARVI, ADVOCATE FOR R5)

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IN W.P. NO.103832/2025

BETWEEN:

PRATAP KAMBLE S/O. ERANNA,
AGED ABOUT 58 YEARS,
RESIDING AT PLOT NO. 187,
MALIAR KRUPA, 5TH MAIN ROAD,
MURARJI NAGAR, GOKUL ROAD,
HUBLI DHARWAD, KARNATAKA 580 030.

...PETITIONER

(BY SRI. ANIRUDH A. KULKARNI,
VASISTA RAMPRASAD &
SHREYAS S., ADVOCATES)

AND:

1. STATE OF KARNATAKA,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HEALTH AND
FAMILY WELFARE,



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GOVERNMENT OF KARNATAKA,
VIKASA SOUDHA, DR. BR AMBEDKAR VEEDHI,
BENGALURU 560 001.

2. THE COMMISSIONER,
COMMISSIONERATE OF HEALTH AND
FAMILY WELFARE SERVICES,
AROGYA SOUDHA, 1ST BLOCK,
MAGADI ROAD, BENGALURU - 560 023.
3. THE COMMISSIONER HUBBALLI,
DHARWAD MAHANAGARA PALIKE,
WARD NO. 47, SIR SIDDAPPA KAMBLI,
ROAD, LAMINGTON HIGH SCHOOL ROAD,
BESIDE MINI VIDHANA SOUDHA,
DESHPANDENAGAR,
HUBBALLI - 580 020.
4. THE CHEIF MEDICAL OFFICER,
PALIKE CHITAGUPPI HOSPITAL,
BESIDES HOSPITAL OPD,
LAMINGTON ROAD, HUBBALLI - 580 020.
5. PHARMACEUTICALS AND MEDICAL
DEVICES BERAU OF INDIA PMBI,
REPRESENTED BY ITS
CHIEF EXECUTIVE OFFICER,
HAVING OFFICE AT 8TH FLOOR,
VIDEOCON TOWER, BLOK E1,
JHANDEWALAN EXTENSION,
NEW DELHI - 110 055.

...RESPONDENTS

(BY SRI. J.M.GANGADHAR AAG A/W
SRI. T. HANUMAREDDY, AGA FOR R1 TO R4;
SRI. VENKATESH M. KHARVI, ADVOCATE FOR R5)

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HONBLE SUPREME COURT OF INDIA. B. ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION RESTRAINING THE RESPONDENTS, THEIR AGENTS, SERVANTS OR ANYONE CLAIMING THROUGH THEM FROM TAKING ANY COERCIVE ACTION AGAINST THE PETITIONER PURSUANT TO THE IMPUGNED GOVERNMENT ORDER BEARING AA.KU.KA. 173 PTD 2025 BENGALURU DATED 14.05.2025 AND ETC.,

IN W.P. NO.103842/2025

BETWEEN:

MEGHANATH P.
S/O. VENKATARATHNAM,
AGED ABOUT 55 YRS,
R/AT HOUSE NO.142-1,
WARD NO.17, 1ST FLOOR,
KOLACHALAM COMPOUND,
OPP. OLD KSRTC BUS STAND,
BALLARYI, KARNATAKA - 583 101.

...PETITIONER

(BY SRI. ANIRUDH A. KULKARNI,
VASISTA RAMPRASAD &
SHREYAS S., ADVOCATES)

AND:

1. STATE OF KARNATAKA,
REPD. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HEALTH AND FAMILY WELARE
GOVT. OF KARANTAKA, VIKASA SOUDHA,
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU - 560 001.
2. THE COMMISSIONER,
COMMISSIONERATE OF HEALTH AND
FAMILY WELFARE SERVICES
AROGYA SOUDHA, 1ST BLOCK
MAGADI ROAD, BENGALURU - 560 023.
3. THE DISTRICT HEALTH OFFICER BALLARI DISTRICT,
DISTRICT HOSPITAL COMPOUND,
OPP. MUNICIPAL GROUND,
SATYANARAYANAPET, BALLARI - 583 101.



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4. THE ADMINISTARATIVE MEDICAL OFFICER,
COMMUNITY HEALTH CENTRE, THORANAGALLU
SANDUR, BALLARI, KARNATAKA – 583 123.
5. PHARMACEUTICALS AND MEDICAL
DEVICES BUREAU OF INDIA PMBI
RPTD BY ITS CHIEF EXECUTIVE OFFICER,
HAVING OFFICE AT 8TH FLOOR,
VIDEOCON TOWER, BLOCK E1,
JHANDEWALAN EXTENSION,
NEW DELHI-110 055.

...RESPONDENTS

(BY SRI. J.M.GANGADHAR AAG A/W
SRI. T. HANUMAREDDY, AGA FOR R1 TO R4;
SRI. VENKATESH M. KHARVI, ADVOCATE FOR R5)

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IN W.P. NO.103843/2025

BETWEEN:

AKSHATA R. PATIL D/O. RAYANAGOUDA PATIL,
AGED ABOUT 24 YEARS,
RESIDING AT MARUTI NAGAR, MUDDEBIHAL,
BIJAPUR, KARNATAKA – 586 212.

...PETITIONER

(BY SRI. ANIRUDH A. KULKARNI,
VASISTA RAMPRASAD &
SHREYAS S., ADVOCATES)



AND:

1. STATE OF KARNATAKA,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HEALTH AND FAMILY WELFARE,
GOVERNMENT OF KARNATAKA,
VIKASA SOUDHA, DR. B R AMBEDEKAR VEEDHI,
BENGALURU – 560 001.
2. THE COMMISSIONER,
COMMISSIONERATE OF HEALTH AND
FAMILY WELFARE SERVICES
AROGYA SOUDHA, 1ST BLOCK
MAGADI ROAD, BENGALURU – 560 023.
3. THE DISTRICT HEALTH OFFICER
BAGALKOT DISTRICT,
DISTRICT HEALTH AND FAMILY
WELFARE OFFICE, BAGALKOTE DISTRICT,
KARNATAKA – 587 103.

THE DISTRICT SURGEON,
DISTRICT HOSPITAL COMPLEX,
BAGALKOTE – 587 103.
5. PHARMACEUTICALS AND MEDICAL
DEVICES BUREAU OF INDIA PMBI
RPTD BY ITS CHIEF EXECUTIVE OFFICER,
HAVING OFFICE AT 8TH FLOOR,
VIDEOCON TOWER, BLOCK E1,
JHANDEWALAN EXTENSION,
NEW DELHI-110 055.

...RESPONDENTS

(BY SRI. J.M.GANGADHAR AAG A/W
SRI. T. HANUMAREDDY, AGA FOR R1 TO R4;
SRI. VENKATESH M. KHARVI, ADVOCATE FOR R5)

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CONSTITUTION OF INDIA, 1950 AND THE LAW LAID DOWN BY HON'BLE SUPREME COURT OF INDIA. B) ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION RESTRAINING THE RESPONDENTS, THEIR AGENTS, SERVANTS OR ANYONE CLAIMING THROUGH THEM FROM TAKING ANY COERCIVE ACTION AGAINST THE PETITIONER PURSUANT TO THE IMPUGNED GOVERNMENT ORDER BEARING NO. AA. KU.KA. 173 BENGALURU PTD 2025, DATED 14.05.2025 AND ETC.,

IN W.P. NO.103844/2025

BETWEEN:

MEGAHANATH P
S/O. VENKATARATHNAM,
AGED ABOUT 55 YEARS,
RESIDING AT HOUSE NO 142/1,
WARDNO 17, 1ST FLOOR,
KOLACHALAM COMPOUND,
OPP. OLD KSRTC BUS STAND,
BALLARI, KARNATAKA - 583 101.

...PETITIONER

(BY SRI. ANIRUDH A. KULKARNI,
VASISTA RAMPRASAD &
SHREYAS S., ADVOCATES)

AND:

1. STATE OF KARNATAKA,
R/BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HEALTH AND FAMILY WELFARE,
GOVERNMENT OF KARNATAKA,
VIKASA SOUDHA, DR B R AMBEDKAR VEEDHI,
BENGALURU - 560 001.
2. THE COMMISSIONER,
COMMISSIONERATE OF HEALTH AND FAMILY
WELFARE SERVICES, AROGYA SOUDHA,
1ST BLOCK, MAGADI ROAD,
BENGALURU - 560 023.
3. THE DISTRICT HEALTH OFFICER
BALLARI DISTRICT,
DISTRICT HOSPITAL COMPOUND,
OPP. MUNICIPAL GROUND,



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SATYANARAYANAPET, BALLARI – 583 101.

4. THE CHIEF ADMINISTRATIVE MEDICAL OFFICER,
TALUKA GENERAL HOSPITAL,
SIRUGUPPA BALLARI, KARNATAKA – 583 121.
5. PHARMACEUTICALS AND MEDICAL
DEVICES BUREAU OF INDIA (PMBI),
R/BY ITS CHIEF EXECUTIVE OFFICER,
HAVING OFFICE AT 8TH FLOOR,
VIDEOCON TOWER, BLOCK E1,
JHANDEWALAN EXTENSION,
NEW DELHI – 110 055.

...RESPONDENTS

(BY SRI. J.M.GANGADHAR AAG A/W
SRI. T. HANUMAREDDY, AGA FOR R1 TO R4;
SRI. VENKATESH M. KHARVI, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OF DIRECTION QUASHING THE IMPUGNED GOVERNMENT ORDER BEARING NO. AA.KU.KA. 173 PTD 2025 DATED 14.05.2025 BENGALURU AT ANNEXURE A AT PAGE NO. 27 TO 29 AS BEING ARBITRARY, DISCRIMINATIVE AND VIOLATIVE OF PRINCIPLES OF NATURAL JUSTICE AND FUNDAMENTAL RIGHTS GUARANTEED UNDER THE CONSTITUTION OF INDIA, 1950 AND THE LAW LAID DOWN BY HON'BLE SUPREME COURT OF INDIA. B. ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION RESTRAINING THE RESPONDENTS, THEIR AGENTS, SERVANTS OR ANYONE CLAIMING THROUGH THEM FROM TAKING ANY COERCIVE ACTION AGAINST THE PETITIONER PURSUANT TO THE IMPUGNED GOVERNMENT ORDER BEARING AA.KU.KA. 173 PTD 2025 DATED 14.05.2025 AND ETC.,

IN W.P. NO.103845/2025

BETWEEN:

MAHADEVI SANJIV MAGADUM
W/O. SANKIV MAGADUM,
AGED ABOUT 38 YERS, R/O. KOLIGUDDA,
RAIBAG TLAUK BELAGAVI,
KARNATAKA – 591 220.

...PETITIONER



**NC: 2025:KHC-D:17894
WP No. 105933 of 2025
AND CONNECTED MATTERS**

(BY SRI. ANIRUDH A. KULKARNI,
VASISTA RAMPRASAD &
SHREYAS S., ADVOCATES)

AND:

1. STATE OF KARNATAKA,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HEALTH AND FAMILY WELFARE,
GOVERNMENT OF KARNATAKA,
VIKASA SOUDHA, DR. BR AMBEDKAR VEEDHI,
BENGALURU – 560 001.
2. THE COMMISSIONER,
COMMISSIONERATE OF HEALTH AND FAMILY
WELFARE SERVICES, AROGYA SOUDHA,
1ST BLOCK, MAGADI ROAD,
BENGALURU – 560 023.
3. THE DISTRICT HEALTH AND FAMILY WELFARE
OFFICER BELAGAVI DISTRICT,
DISTRICT HEALTH AND
FAMILY WELFARE OFFICE,
BELAGAVI DISTRICT,
KARNATAKA – 591 317.
4. THE CHIEF MEDICAL OFFICER,
GENERAL HOSPITAL, RAIBAG TALUK,
BELAGAVI DISTRICT – 591 317.
5. PHARMACEUTICALS AND MEDICAL,
DEVICES BUREAU OF INDIA PMBI,
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER,
HAVING OFFICE AT 8TH FLOOR,
VIDEOCON TOWER, BLOK E1,
JHANDEWALAN EXTENSION,
NEW DELHI – 110 055.

...RESPONDENTS

(BY SRI. J.M.GANGADHAR AAG A/W
SRI. T. HANUMAREDDY, AGA FOR R1 TO R4;
SRI. VENKATESH M. KHARVI, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF
CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OF



HC-KAR

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DIRECTION QUASHING THE IMPUGNED GOVERNMENT ORDER BEARING NO. AA.KU.KA. 173 PTD 2025 BENGALURU DATED 14.05.2025 AT ANNEXURE - A AT PAGE NOS. 25-27 AS BEING ARBITRARY, DISCRIMINATIVE AND VIOLATIVE OF PRINCIPLES OF NATURAL JUSTICE, AND FUNDAMENTAL RIGHTS GUARANTEED UNDER THE CONSTITUTION OF INDIA, 1950 AND THE LAW LAID DOWN BY HON'BLE SUPREME COURT OF INDIA. B) ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION RESTRAINING THE RESPONDENTS, THEIR AGENTS, SERVANTS OR ANYONE CLAIMING THROUGH THEM FROM TAKING ANY COERCIVE ACTION AGAINST THE PETITIONER PURSUANT TO THE IMPUGNED GOVERNMENT ORDER BEARING NO. AA.KU.KA. 173 PTD 2025 BENGALURU DATED 14.05.2025 AND ETC.,

IN W.P. NO.103846/2025

BETWEEN:

PRANESH C S/O. C. NARAYANACHAR,
AGED ABOUT 53 YEARS,
R/O. 19, 1ST WARD, NEAR KESHAVA
TEMPLE, BALLARI,
KARNATAKA - 583 219.

...PETITIONER

(BY SRI. ANIRUDH A. KULKARNI,
VASISTA RAMPRASAD &
SHREYAS S., ADVOCATES)

AND:

1. STATE OF KARNATAKA,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HEALTH AND FAMILY WELFARE,
GOVERNMENT OF KARNATAK,
VIKASA SOUDHA, DR. BR. AMBEDKAR VEEDHI,
BENGALURU - 560 001.
2. THE COMMISSIONER,
COMMISSIONERATE OF HEALTH AND
FAMILY WELFARE SERVICES, ANAND RAO CIRCLE,
BENGALURU - 560 009.
3. THE DISTRICT HEALTH OFFICER
HAVERI DISTRICT,
DISTRICT HEALTH AND FAMILY WELFARE OFFICER,



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AND CONNECTED MATTERS**

BELLARY, KARNATAKA – 593 219.

4. THE ADMINISTRATIVE MEDICAL OFFICER,
GOVERNMENT GENERAL HOSPITAL,
HUVINAHADAGALI, BELLARI DIST – 583 219.

5. PHARMACEUTICALS AND MEDICAL
DEVICES BUREAU OF INDIA PMBI
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER,
HAVING OFFICE AT 8TH FLOOR,
VIDEOCON TOWER, BLOK E1,
JHANDEWALAN EXTENSION,
NEW DELHI 110055.

...RESPONDENTS

(BY SRI. J.M.GANGADHAR AAG A/W
SRI. T. HANUMAREDDY, AGA FOR R1 TO R4;
SRI. VENKATESH M. KHARVI, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OF DIRECTION QUASHING THE IMPUGNED GOVERNMENT BENGALURU ORDER BEARING NO. AA.KU.KA. 173 PTD 2025, BENGALURU DATED 14.05.2025 AT ANNEXURE - A AT PAGE NOS.27 TO 29 AS BEING ARBITRARY, DISCRIMINATIVE AND VIOLATIVE OF PRINCIPLES OF NATURAL JUSTICE, AND FUNDAMENTAL RIGHTS GUARANTEED UNDER THE CONSTITUTION OF INDIA, 1950 AND THE LAW LAID DOWN BY HON'BLE SUPREME COURT OF INDIA. B) ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION THE RESPONDENTS, THEIR AGENTS, SERVANTS OR ANYONE CLAIMING THROUGH THEM FROM TAKING ANY COERCIVE ACTION AGAINST THE PETITIONER PURSUANT TO THE IMPUGNED GOVERNMENT ORDER BEARING NO. AA. KU.KA. 173 BENGALURU PTD 2025, BENGALURU DATED 14.05.2025 AND ETC.,

IN W.P.NO.103847/2025

BETWEEN:

MEGAHANATH P., S/O. VENKATARATHNAM,
AGED ABOUT 55 YRS,
R/AT HOUSE NO.142-1 WARD NO.17,
1ST FLOOR, KOLACHALAM COMPOUND,
OPP. OLD KSRTC BUS STAND, BELLARY,
KARNATAKA – 583 101.



...PETITIONER

(BY SRI. ANIRUDH A. KULKARNI,
VASISTA RAMPRASAD &
SHREYAS S., ADVOCATES)

AND:

1. STATE OF KARNATAKA,
REPD. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HEALTH
AND FAMILY WELARE,
GOVT. OF KARANTAKA, VIKASA SOUDHA,
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU - 560 001.
2. THE COMMISIONER,
COMMISSIONERATE OF HEALTH AND
FAMILY WELFARE SERVICES,
AROGYA SOUDHA, 1ST BLOCK,
MAGADI ROAD, BENGALURU - 560 023.
3. THE DISTRICT HEALTH OFFICER,
BALLARI DISTRICT, DISTRICT HOSPITAL
COMPOUND, OPP. MUNICIPAL GROUND,
SATYANARAYANAPET,
BALLARI - 583 101.
4. THE ADMINISTRATIVE MEDICAL OFFICER,
COMMUNITY HEALTH CENTRE,
KAPIL TALUK, BELLARY DISTRICT,
KARNATAKA - 583 123.
5. PHARMACEUTICALS AND MEDICAL
DEVICES BUREAU OF INDIA(PMBI)
RPTD BY ITS CHIEF EXECUTIVE OFFICER,
HAVING OFFICE AT 8TH FLOOR,
VIDEOCON TOWER, BLOCK E1,
JHANDEWALAN EXTENSION,
NEW DELHI-110055.

...RESPONDENTS

(BY SRI. J.M.GANGADHAR AAG A/W
SRI. T. HANUMAREDDY, AGA FOR R1 TO R4;
SRI. VENKATESH M. KHARVI, ADVOCATE FOR R5)



HC-KAR

**NC: 2025:KHC-D:17894
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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OF DIRECTION QUASHING THE IMPUGNED GOVERNMENT ORDER BEARING NO. AA.KU.KA. 173 PTD 2025 BENGALURU DATED 14.05.2025 AT ANNEXURE - A AT PAGE NOS. 25 TO 27 AS BEING ARBITRARY, DISCRIMINATIVE AND VIOLATIVE OF PRINCIPLES OF NATURAL JUSTICE, AND FUNDAMENTAL RIGHTS GUARANTEED UNDER THE CONSTITUTION OF INDIA, 1950 AND THE LAW LAID DOWN BY HON'BLE SUPREME COURT OF INDIA. B) ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION RESTRAINING THE RESPONDENTS, THEIR AGENTS, SERVANTS OR ANYONE CLAIMING THROUGH THEM FROM TAKING ANY COERCIVE ACTION AGAINST THE PETITIONER PURSUANT TO THE IMPUGNED GOVERNMENT ORDER BEARING NO. AA.KU.KA. 173 PTD 2025 BENGALURU DATED 14.05.2025 AND ETC.,

IN W.P. NO.103848/2025

BETWEEN:

VIJAYKUMAR MALIMATH
S/O. SHIVANANDAYYA,
AGED ABOUT 28 YEARS,
RESIDING AT HIREHULLAL,
HAVERI, KARNATAKA - 581 148.

...PETITIONER

(BY SRI. ANIRUDH A. KULKARNI,
VASISTA RAMPRASAD &
SHREYAS S., ADVOCATES)

AND:

1. STATE OF KARNATAKA,
REPD. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HEALTH AND FAMILY WELFARE,
GOVT. OF KARNATAKA, VIKASA SOUDHA,
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU - 560 001.
2. THE COMMISSIONER,
COMMISSIONERATE OF HEALTH AND FAMILY
WELFARE SERVICES, AROGYA SOUDHA,
1ST BLOCK, MAGADI ROAD,
BENGALURU - 560 023.



3. THE DISTRICT HEALTH OFFICER
HAVERI DISTRICT, DEVAGIRI,
HAVERI, KARNATAKA – 581 110.
4. THE ADMINISTRATIVE MEDICAL OFFICER,
PRIMARY HEALTH CENTRE, CHIKKABASUR,
SUDAMBI ROAD, CHIKKABASUR,
BYADAGI, TALUK: HAVERI,
KARNATAKA – 581 106.
5. PHARMACEUTICALS AND MEDICAL
DEVICES BUREAU OF INDIA(PMBI),
RPTD BY ITS CHIEF EXECUTIVE OFFICER,
HAVING OFFICE AT 8TH FLOOR,
VIDEOCON TOWER, BLOCK E1, JHANDEWALAN
EXTENSION, NEW DELHI – 110 055.

...RESPONDENTS

(BY SRI. J.M.GANGADHAR AAG A/W
SRI. T. HANUMAREDDY, AGA FOR R1 TO R4;
SRI. VENKATESH M. KHARVI, ADVOCATE FOR R5)

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IN W.P. NO.103849/2025

BETWEEN:

BHOOMIKA CHANNAPPA BALIKAI
D/O. CHANNAPPA BALIKAI,
AGED ABOUT 22 YEARS,
R/O. BELHATTI WADAVI NEAR MARUTI TEMPLE,
GADAG, KARNATAKA - 582 112.

...PETITIONER

(BY SRI. ANIRUDH A. KULKARNI,
VASISTA RAMPRASAD &
SHREYAS S., ADVOCATES)

AND:

1. STATE OF KARNATAKA,
RETPD BY ITS PRL. SECRETARY,
DEPATMENT OF HEALTH AND FAMILY WELFARE,
GOVT. OF KARNATAKA, VIKASA SOUDHA,
DR. B.R. AMBEDKAR VEEDHI,
BENAGLURU - 560 001.
2. THE COMMISSIONER,
COMMISSIONERATE OF HEALTH
AND FAMILY WELFARE SERICES,
AROGYA SOUDHA, 1ST BLOCK,
MAGADI ROAD, BENGALURU - 560 023.
3. THE DIRECTOR,
ZILLA HEALTH AND FAMILY WELFARE
DISTRICT ADMINISTRATION
BUILDING, JNANA GANGA GADAG,
KARNATAKA - 585 106.
4. THE ADMINISTRATIVE MEDICAL OFFICER,
TALUK GENERAL HOSPITAL,
MUNDARAG - 582 218.
5. PHARMACEUTICALS AND MEDICAL
DEVICES BUREAU OF INDIA (PMBI),
RETPD BY ITS CHIEF EXECUTIVE OFFICER,
HAVING OFFICE AT 8TH FLOOR,
VEDEOCON TOWER, BLOCK E1,
JHANDEWALAN EXTENSION,



**NC: 2025:KHC-D:17894
WP No. 105933 of 2025
AND CONNECTED MATTERS**

NEW DELHI – 110 055.

...RESPONDENTS

(BY SRI. J.M.GANGADHAR AAG A/W
SRI. T. HANUMAREDDY, AGA FOR R1 TO R4;
SRI. VENKATESH M. KHARVI, ADVOCATE FOR R5)

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IN W.P. NO.103850/2025

BETWEEN:

LINGARAJU METI
S/O. BASAVARAJU METI,
AGED ABOUT 47 YEARS,
R/O. 52, INFRONT OF PANCHYAT,
DANAYAKANAKERE, BALLARI,
KARNATAKA – 583 222.

...PETITIONER

(BY SRI. ANIRUDH A. KULKARNI,
VASISTA RAMPRASAD &
SHREYAS S., ADVOCATES)

AND:

1. STATE OF KARNATAKA,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HEALTH AND FAMILY WELFARE,
GOVERNMENT OF KARNATAKA,
VIKASA SOUDHA, DR. BR AMBEDKAR VEEDHI,



HC-KAR

**NC: 2025:KHC-D:17894
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BENGALURU – 560 001.

2. THE COMMISSIONER,
COMMISSIONERATE OF HEALTH AND FAMILY
WELFARE SERVICES, AROGYA SOUDHA,
1ST BLOCK, MAGADI ROAD,
BENGALURU – 560 023.
3. THE DISTRICT HEALTH AND FAMILY
WELFARE OFFICER, BALLARI DISTRICT,
DISTRICT HOSPITAL COMPOUND,
OPP. MUNICIPAL GROUND,
SATYANARAYANAPET, BALLARI – 583 101.
4. THE ADMINISTRATIVE MEDICAL OFFICER,
PRIMARY HEALTH CENTRE,
MARIYAMMANAHALLI, HOSAPETE TALUK,
VIJAYANAGARA, KARNATAKA – 583 222.
5. PHARMACEUTICALS AND MEDICAL,
DEVICES BUREAU OF INDIA PMBI,
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER,
HAVING OFFICE AT 8TH FLOOR,
VIDEOCON TOWER, BLOK E1,
JHANDEWALAN EXTENSION,
NEW DELHI – 110 055.

...RESPONDENTS

(BY SRI. J.M.GANGADHAR AAG A/W
SRI. T. HANUMAREDDY, AGA FOR R1 TO R4;
SRI. VENKATESH M. KHARVI, ADVOCATE FOR R5)

THIS WP IS FILED PRAYING TO, A) ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OF DIRECTION QUASHING THE IMPUGNED GOVERNMENT BENGALURU ORDER BEARING NO. AA.KU.KA. 173 PTD 2025, BENGALURU DATED 14.05.2025 AT ANNEXURE - A AT PAGE NOS.26 TO 28 AS BEING ARBITRARY, DISCRIMINATIVE AND VIOLATIVE OF PRINCIPLES OF NATURAL JUSTICE, AND FUNDAMENTAL RIGHTS GUARANTEED UNDER THE CONSTITUTION OF INDIA, 1950 AND THE LAW LAID DOWN BY HON'BLE SUPREME COURT OF INDIA. B) ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION RESTRAINING THE RESPONDENTS, THEIR AGENTS, SERVANTS OR ANYONE CLAIMING THROUGH THEM FROM TAKING ANY COERCIVE ACTION AGAINST THE PETITIONER PURSUANT TO THE IMPUGNED



GOVERNMENT ORDER BEARING NO. AA. KU.KA. 173 BENGALURU PTD
2025, BENGALURU DATED 14.05.2025 AND ETC.,

IN W.P. NO.103851/2025

BETWEEN:

SHIDLINGAPPA S. SAVANUR
S/O. SHIVANANDAPPA,
AGED ABOUT 55 YEARS,
R/O: DESAI BANA
OLD TELEPHOTE OFFICE,
LAKSMESHWAR RURAL GADAG,
KARNATAKA - 582 116.

...PETITIONER

(BY SRI. ANIRUDH A. KULKARNI,
VASISTA RAMPRASAD &
SHREYAS S., ADVOCATES)

AND:

1. STATE OF KARNATAKA,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HEALTH
AND FAMILY WELFARE,
GOVERNMENT OF KARNATAKA,
VIKASA SOUDHA,
DR. BR AMBEDKAR VEEDHI,
BENGALURU - 560 001.
2. THE COMMISSIONER,
COMISSIONERATE OF HEALTH AND
FAMILY WELFARE SERVICES,
AROGYA SOUDHA, 1ST BLOCK,
MAGADI ROAD, BENGALURU - 560 023.
3. THE ADMINISTRATIVE MEDICAL OFFICER,
ZILLA HEALTH AND FAMILY WELFARE OFFICE,
DISTRICT ADMINISTRATION BUILDING,
JNANA GANGA, LAKSHMESHVAR,
KARNATAKA - 585 106.
4. THE ADMINISTRATIVE MEDICAL OFFICER,
ADMINISTRATIVE MEDICAL OFFICE,



HC-KAR

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COMMUNITY HEALTH CENTRE,
LAKSHWAR, GADAG – 582 116.

5. PHARMACEUTICALS AND MEDICAL,
DEVICES BERAU OF INDIA PMBI,
REPRESENTED BY ITS
CHIEF EXECUTIVE OFFICER,
HAVING OFFICE AT 8TH FLOOR,
VIDEOCON TOWER, BLOK E1,
JHANDEWALAN EXTENSION,
NEW DELHI – 110 055.

...RESPONDENTS

(BY SRI. J.M.GANGADHAR AAG A/W
SRI. T. HANUMAREDDY, AGA FOR R1 TO R4;
SRI. VENKATESH M. KHARVI, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OF DIRECTION QUASHING THE IMPUGNED GOVERNMENT ORDER BEARING NO. AA.KU.KA. 173 PTD 2025 BENGALURU DATED 14.05.2025 AT ANNEXURE A AT PAGE NO. 25 TO 27 AS BEING ARBITRARY, DISCRIMINATIVE AND VIOLATIVE OF PRINCIPLES OF NATURAL JUSTICE AND FUNDAMENTAL RIGHTS GUARANTEED UNDER THE CONSTITUTION OF INDIA, 1950 AND THE LAW LAID DOWN BY HON'BLE SUPREME COURT OF INDIA. B. ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION RESTRAINING THE RESPONDENTS, THEIR AGENTS, SERVANTS OR ANYONE CLAIMING THROUGH THEM FROM TAKING ANY COERCIVE ACTION AGAINST THE PETITIONER PURSUANT TO THE IMPUGNED GOVERNMENT ORDER BEARING AA.KU.KA. 173 PTD 2025 BENGALURU DATED 14.05.2025 AND ETC.,

IN W.P. NO.103852/2025

BETWEEN:

SHAMBHULING S. KULKARNI
S/O. SHIVAYOGI KULKARNI,
AGED ABOUT 30 YEARS,
R/O. CHIKKAMAGADUR, KARAJAGI,
HAVERI,
KARNATAKA – 581 112.



HC-KAR

**NC: 2025:KHC-D:17894
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AND CONNECTED MATTERS**

...PETITIONER

(BY SRI. ANIRUDH A. KULKARNI,
VASISTA RAMPRASAD &
SHREYAS S., ADVOCATES)

AND:

1. STATE OF KARNATAKA,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HEALTH AND FAMILY
WELFARE GOVERNMENT OF KARNATAKA,
VIKASA SOUDHA,
DR. BR AMBEDKAR VEEDHI,
BENGALURU - 560 001.
2. THE COMMISSIONER,
COMMISSIONERATE OF HEALTH AND FAMILY
WELFARE SERVICES, AROGYA SOUDHA,
1ST BLOCK, MAGADI ROAD,
BENGALURU - 560 023.
3. THE DISTRICT HEALTH AND FAMILY
WELFARE OFFICER, HAVERI DISTRICT,
DISTRICT HOSPITAL COMPOUND,
DEVAGIRI HAVERI,
KARNATAKA - 581 110.
4. THE ADMINISTRATIVE MEDICAL OFFICER,
TALUKA GENERAL HOSPITAL,
SHIGAGAON HAVERI,
KARNATAKA - 581 205.
5. PHARMACEUTICALS AND MEDICAL
DEVICES BUREAU OF INDIA PMBI
REPRESENTED BY ITS
CHIEF EXECUTIVE OFFICER,
HAVING OFFICE AT 8TH FLOOR,
VIDEOCON TOWER, BLOK E1,
JHANDEWALAN EXTENSION,
NEW DELHI - 110 055.

...RESPONDENTS

(BY SRI. J.M.GANGADHAR AAG A/W
SRI. T. HANUMAREDDY, AGA FOR R1 TO R4;
SRI. VENKATESH M. KHARVI, ADVOCATE FOR R5)



**NC: 2025:KHC-D:17894
WP No. 105933 of 2025
AND CONNECTED MATTERS**

THIS WP IS FILED PRAYING TO, A. ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OF DIRECTION QUASHING THE IMPUGNED GOVERNMENT ORDER BEARING NO. AA.KU.KA. 173 PTD 2025 DATED 14.05.2025 AT ANNEXURE A AT PAGE NO. 25 TO 27 AS BEING ARBITRARY, DISCRIMINATIVE AND VIOLATIVE OF PRINCIPLES OF NATURAL JUSTICE AND FUNDAMENTAL RIGHTS GUARANTEED UNDER THE CONSTITUTION OF INDIA, 1950 AND THE LAW LAID DOWN BY HON'BLE SUPREME COURT OF INDIA. B. ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION RESTRAINING THE RESPONDENTS, THEIR AGENTS, SERVANTS OR ANYONE CLAIMING THROUGH THEM FROM TAKING ANY COERCIVE ACTION AGAINST THE PETITIONER PURSUANT TO THE IMPUGNED GOVERNMENT ORDER BEARING AA.KU.KA. 173 PTD 2025 BENGALURU DATED 14.05.2025 AND ETC.,

IN W.P. NO.103853/2025

BETWEEN:

NAYANA M W/O. GURURAJA S.B.
AGED ABOUT 27 YRS
RESIDING AT 268,
COLLEGE ROAD MAKOPPA
JADE, SHIVAMOGGA
KARNATAKA - 577 419.

...PETITIONER

(BY SRI. ANIRUDH A. KULKARNI,
VASISTA RAMPRASAD &
SHREYAS S., ADVOCATES)

AND:

1. STATE OF KARNATAKA,
REPD. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HEALTH AND FAMILY
WELFARE, GOVT. OF KARANTAKA,
VIKASA SOUDHA,
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU- 560 001.
2. THE COMMISSIONER,
COMMISSIONERATE OF HEALTH AND FAMILY
WELFARE SERVICES, AROGYA SOUDHA,



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1ST BLOCK, MAGADI ROAD,
BENGALURU – 560 023.

3. THE DISTRICT HEALTH OFFICER,
UTTARA KANANDA DISTRICT,
DISTRICT HOSPITAL COMPLEX,
UTTARA KANNADA – 577 201.
4. THE ADMINISTRATIVE MEDICAL OFFICER,
TALUK GENERAL HOSPITAL, SIDDAPURA,
UTTARA KANANDA DIST – 581 355.
5. PHARMACEUTICALS AND
MEDICAL DEVICES BUREAU OF INDIA (PMBI),
RPTD BY ITS CHIEF EXECUTIVE OFFICER,
HAVING OFFICE AT, 8TH FLOOR,
VIDEOCON TOWER BLOCK E1,
JHANDEWALAN EXTENSION,
NEW DELHI – 110 055.

...RESPONDENTS

(BY SRI. J.M.GANGADHAR AAG A/W
SRI. T. HANUMAREDDY, AGA FOR R1 TO R4;
SRI. VENKATESH M. KHARVI, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OF DIRECTION QUASHING THE IMPUGNED GOVERNMENT ORDER BEARING NO. AA.KU.KA. 173 PTD 2025, BENGALURU DATED 14.05.2025 AT ANNEXURE - A AT PAGE NOS.25 TO 27 AS BEING ARBITRARY, DISCRIMINATIVE AND VIOLATIVE OF PRINCIPLES OF NATURAL JUSTICE, AND FUNDAMENTAL RIGHTS GUARANTEED UNDER THE CONSTITUTION OF INDIA, 1950 AND THE LAW LAID DOWN BY HON'BLE SUPREME COURT OF INDIA. B) ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION RESTRAINING THE RESPONDENTS, THEIR AGENTS, SERVANTS OR ANYONE CLAIMING THROUGH THEM FROM TAKING ANY COERCIVE ACTION AGAINST THE PETITIONER PURSUANT TO THE IMPUGNED GOVERNMENT ORDER BEARING NO. AA. KU.KA. 173 PTD 2025, BENGALURU DATED 14.05.2025 AND ETC.,



IN W.P. NO.103854/2025

BETWEEN:

DHARMARAJ LANGOTI
S/O. JAYAPATI LANGOTI,
RESIDING AT: BANNUR, HAVERI,
SHIGGAON, KARNATAKA - 577 419.

...PETITIONER

(BY SRI. ANIRUDH A. KULKARNI,
VASISTA RAMPRASAD &
SHREYAS S., ADVOCATES)

AND:

1. STATE OF KARNATAKA,
REPD. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HEALTH AND FAMILY
WELARE, GOVT. OF KARANTAKA,
VIKASA SOUDHA,
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU- 560 001.
2. THE COMMISSIONER,
COMMISSIONERATE OF HEALTH AND FAMILY
WELFARE SERVICES, AROGYA SOUDHA,
1ST BLOCK, MAGADI ROAD,
BENGALURU - 560 023.
3. THE DISTRICT HEALTH OFFICER,
HAVERI DISTRICT,
GOVERNMENT HOSPITAL COMPLES,
P.B.ROAD, HAVERI,
KARNATAKA - 581 110.
4. THE DISTRICT SURGEON'S OFFICE
DISTRICT HOSPITAL PB ROAD,
HAVERI, KARANATAKA - 577 428.
5. PHARMACEUTICALS AND
MEDICAL DEVICES BUREAU OF INDIA (PMBI),
RPTD BY ITS CHIEF EXECUTIVE OFFICER,
HAVING OFFICE AT, 8TH FLOOR,
VIDEOCON TOWER BLOCK E1,
JHANDEWALAN EXTENSION,



NEW DELHI – 110 055.

...RESPONDENTS

(BY SRI. J.M.GANGADHAR AAG A/W
SRI. T. HANUMAREDDY, AGA FOR R1 TO R4;
SRI. VENKATESH M. KHARVI, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OF DIRECTION QUASHING THE IMPUGNED GOVERNMENT ORDER BEARING NO. AA.KU.KA. 173 PTD 2025, BENGALURU DATED 14.05.2025 AT ANNEXURE - A AT PAGE NOS.27 TO 29 AS BEING ARBITRARY, DISCRIMINATIVE AND VIOLATIVE OF PRINCIPLES OF NATURAL JUSTICE, AND FUNDAMENTAL RIGHTS GUARANTEED UNDER THE CONSTITUTION OF INDIA, 1950 AND THE LAW LAID DOWN BY HON'BLE SUPREME COURT OF INDIA. B) ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION RESTRAINING THE RESPONDENTS, THEIR AGENTS, SERVANTS OR ANYONE CLAIMING THROUGH THEM FROM TAKING ANY COERCIVE ACTION AGAINST THE PETITIONER PURSUANT TO THE IMPUGNED GOVERNMENT ORDER BEARING NO. AA. KU.KA. 173 PTD 2025, BENGALURU DATED 14.05.2025 AND ETC.,

IN W.P. NO.103855/2025

BETWEEN:

TASLEEM BANU W/O.TOUSIF AHMED
AGED ABOUT 26 YEARS,
RESIDING AT:310/11, 17TH WARD,
ANANTHPUR ROAD, VISHAL NAGAR,
BALLARI, KARNATAKA – 583 101.

...PETITIONER

(BY SRI. ANIRUDH A. KULKARNI,
VASISTA RAMPRASAD &
SHREYAS S., ADVOCATES)

AND:

1. STATE OF KARNATAKA,
REPD. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HEALTH AND FAMILY
WELARE, GOVT. OF KARANTAKA,
VIKASA SOUDHA,
DR. B.R. AMBEDKAR VEEDHI,



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BENGALURU- 560 001.

2. THE COMMISSIONER,
COMMISSIONERATE OF HEALTH AND FAMILY
WELFARE SERVICES, AROGYA SOUDHA,
1ST BLOCK, MAGADI ROAD,
BENGALURU – 560 023.
3. THE DISTRICT HEALTH AND FAMILY
WELFARE OFFICER, BALLARI DISTRICT,
DISTRICT HOSPITAL COMPOUND,
OPP. MUNICIPAL GROUND, SATYANARAYANAPET,
BALLARI – 583 101.
4. THE DISTRICT SURGEON
DISTRICT HOSPITAL, BALARI,
SANGAM CIRCLE, ANANTHPUR ROAD,
BALLARI – 583 101.
5. PHARMACEUTICALS AND
MEDICAL DEVICES BUREAU OF INDIA (PMBI),
RPTD BY ITS CHIEF EXECUTIVE OFFICER,
HAVING OFFICE AT, 8TH FLOOR,
VIDEOCON TOWER BLOCK E1,
JHANDEWALAN EXTENSION,
NEW DELHI – 110 055.

...RESPONDENTS

(BY SRI. J.M.GANGADHAR AAG A/W
SRI. T. HANUMAREDDY, AGA FOR R1 TO R4;
SRI. VENKATESH M. KHARVI, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OF DIRECTION QUASHING THE IMPUGNED GOVERNMENT ORDER BEARING NO. AA.KU.KA. 173 PTD 2025, BENGALURU DATED 14.05.2025 AT ANNEXURE - A AT PAGE NOS.25 TO 27 AS BEING ARBITRARY, DISCRIMINATIVE AND VIOLATIVE OF PRINCIPLES OF NATURAL JUSTICE, AND FUNDAMENTAL RIGHTS GUARANTEED UNDER THE CONSTITUTION OF INDIA, 1950 AND THE LAW LAID DOWN BY HON'BLE SUPREME COURT OF INDIA. B) ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION RESTRAINING THE RESPONDENTS, THEIR AGENTS, SERVANTS OR ANYONE CLAIMING THROUGH THEM FROM TAKING ANY COERCIVE ACTION AGAINST THE PETITIONER PURSUANT TO THE IMPUGNED



GOVERNMENT ORDER BEARING NO. AA. KU.KA. 173 PTD 2025,
BENGALURU DATED 14.05.2025 AND ETC.,

IN W.P. NO.103856/2025

BETWEEN:

SHIVARAJ BASAPPA CHAVADI
S/O. BASAPPA HB,
AGED ABOUT 44 YEARS,
RESIDING AT SURKOND, NARGUND,
GADAG, KARNATAKA – 582 207.

...PETITIONER

(BY SRI. ANIRUDH A. KULKARNI,
VASISTA RAMPRASAD &
SHREYAS S., ADVOCATES)

AND:

1. STATE OF KARNATAKA,
REPD. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HEALTH AND FAMILY
WELARE, GOVT. OF KARANTAKA,
VIKASA SOUDHA,
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU- 560 001.
2. THE COMMISSIONER,
COMMISSIONERATE OF HEALTH AND FAMILY
WELFARE SERVICES, AROGYA SOUDHA,
1ST BLOCK, MAGADI ROAD,
BENGALURU – 560 023.
3. THE DISTRICT HEALTH AND FAMILY
WELFARE OFFICER, GADAG DISTRICT,
DISTRICT ADMINISTRATION BUILDING,
JNANA GANGA, KARNATAKA – 585 106,
GADAG – 582 208.
4. THE ADMINISTRATIVE MEDICAL OFFICER,
TALUKA HOSPITAL RON,
GADGA, KARNATAKA – 582 208.
5. PHARMACEUTICALS AND
MEDICAL DEVICES BUREAU OF INDIA (PMBI),



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RPTD BY ITS CHIEF EXECUTIVE OFFICER,
HAVING OFFICE AT, 8TH FLOOR,
VIDEOCON TOWER BLOCK E1,
JHANDEWALAN EXTENSION,
NEW DELHI – 110 055.

...RESPONDENTS

(BY SRI. J.M.GANGADHAR AAG A/W
SRI. T. HANUMAREDDY, AGA FOR R1 TO R4;
SRI. VENKATESH M. KHARVI, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OF DIRECTION QUASHING THE IMPUGNED GOVERNMENT ORDER BEARING NO. AA.KU.KA. 173 PTD 2025, BENGALURU DATED 14.05.2025 AT ANNEXURE - A AT PAGE NOS.28 TO 30 AS BEING ARBITRARY, DISCRIMINATIVE AND VIOLATIVE OF PRINCIPLES OF NATURAL JUSTICE, AND FUNDAMENTAL RIGHTS GUARANTEED UNDER THE CONSTITUTION OF INDIA, 1950 AND THE LAW LAID DOWN BY HON'BLE SUPREME COURT OF INDIA. B) ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION RESTRAINING THE RESPONDENTS, THEIR AGENTS, SERVANTS OR ANYONE CLAIMING THROUGH THEM FROM TAKING ANY COERCIVE ACTION AGAINST THE PETITIONER PURSUANT TO THE IMPUGNED GOVERNMENT ORDER BEARING NO. AA. KU.KA. 173 PTD 2025, BENGALURU DATED 14.05.2025 AND ETC.,

IN W.P. NO.103857/2025

BETWEEN:

PRADEEP NANDAGAON S/O. BABU,
AGED ABOUT 42 YEARS,
RESIDIG AT:65/1B, BASADI ONI,
KHAVATKOPPA, BELAGAUM,
KARNATAKA – 591 220.

...PETITIONER

(BY SRI. ANIRUDH A. KULKARNI,
VASISTA RAMPRASAD &
SHREYAS S., ADVOCATES)



AND:

1. STATE OF KARNATAKA,
REPD. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HEALTH AND FAMILY
WELARE, GOVT. OF KARANTAKA,
VIKASA SOUDHA,
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU- 560 001.
2. THE COMMISSIONER,
COMMISSIONERATE OF HEALTH AND FAMILY
WELFARE SERVICES, AROGYA SOUDHA,
1ST BLOCK, MAGADI ROAD,
BENGALURU - 560 023.
3. THE DISTRICT HEALTH OFFICER,
BELAGAVI DISTRICT,
GOVERNMENT HOSPITAL, ATHANI,
BELAGAVI - 591 304
4. THE CHIEF MEDICAL OFFICER
GOVERNMENT HOSPITAL,
ATHANI TALUK,
BELAGAVI DISTRICT - 591 304.
5. PHARMACEUTICALS AND
MEDICAL DEVICES BUREAU OF INDIA (PMBI),
RPTD BY ITS CHIEF EXECUTIVE OFFICER,
HAVING OFFICE AT, 8TH FLOOR,
VIDEOCON TOWER BLOCK E1,
JHANDEWALAN EXTENSION,
NEW DELHI - 110 055.

...RESPONDENTS

(BY SRI. J.M.GANGADHAR AAG A/W
SRI. T. HANUMAREDDY, AGA FOR R1 TO R4;
SRI. VENKATESH M. KHARVI, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OF DIRECTION QUASHING THE IMPUGNED GOVERNMENT ORDER BEARING NO. AA.KU.KA. 173 PTD 2025, BENGALURU DATED 14.05.2025 AT ANNEXURE - A AT PAGE NOS.25 TO 27 AS BEING ARBITRARY, DISCRIMINATIVE AND VIOLATIVE OF PRINCIPLES OF



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NATURAL JUSTICE, AND FUNDAMENTAL RIGHTS GUARANTEED UNDER THE CONSTITUTION OF INDIA, 1950 AND THE LAW LAID DOWN BY HON'BLE SUPREME COURT OF INDIA. B) ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION RESTRAINING THE RESPONDENTS, THEIR AGENTS, SERVANTS OR ANYONE CLAIMING THROUGH THEM FROM TAKING ANY COERCIVE ACTION AGAINST THE PETITIONER PURSUANT TO THE IMPUGNED GOVERNMENT ORDER BEARING NO. AA. KU.KA. 173 PTD 2025, BENGALURU DATED 14.05.2025 AND ETC.,

IN W.P. NO.105939/2025

BETWEEN:

BRAHAMACHARY VADLA
S/O. VISHWAROPACHARY VADLA,
AGED ABOUT 45 YEARS,
RESIDING AT PLOT NO.117,
H.NO.2, MANOJ PARK, SULLA ROAD,
KESHWAPUR, DHARWAD, HUBBALLI,
KARNATAKA -580 023.

...PETITIONER

(BY SRI. ANIRUDH A. KULKARNI,
VASISTA RAMPRASAD &
SHREYAS S., ADVOCATES)

AND:

1. STATE OF KARNATAKA,
REPD. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HEALTH AND FAMILY
WELARE, GOVT. OF KARANTAKA,
VIKASA SOUDHA,
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU- 560 001.
2. THE COMMISSIONER,
COMMISSIONERATE OF HEALTH AND FAMILY
WELFARE SERVICES, AROGYA SOUDHA,
1ST BLOCK, MAGADI ROAD,
BENGALURU - 560 023.
3. THE DISTRICT HEALTH OFFICER,
UTTARA KANNADA DISTRICT,



DISTRICT HOSPITAL COMPLEX,
UTTARA KANNADA – 581 349

4. THE ADMINISTRATIVE MEDICAL OFFICER,
TALUK GENERAL HOSPITAL, MUNDGOD,
UTTARA KANNADA DISTRICT – 581 349.
5. THE ASSISTANT DRUGS CONTROLLER,
DRUGS CONTROL DEPARTMENT,
UTTARA KANNADA CIRCLE
C/O DISTRICT SURGEON,
DISTRICT HOSPITAL, KARWAR – 585 401.
6. PHARMACEUTICALS AND
MEDICAL DEVICES BUREAU OF INDIA (PMBI),
RPTD BY ITS CHIEF EXECUTIVE OFFICER,
HAVING OFFICE AT, 8TH FLOOR,
VIDEOCON TOWER BLOCK E1,
JHANDEWALAN EXTENSION,
NEW DELHI – 110 055.

...RESPONDENTS

(BY SRI. J.M.GANGADHAR AAG A/W
SRI. T. HANUMAREDDY, AGA FOR R1 TO R5;
SRI. VENKATESH M. KHARVI, ADVOCATE FOR R6)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION QUASHING THE IMPUGNED GOVERNMENT ORDER BEARING NO.AA.KU.KA.173 PTD 2025 DATED 14.05.2025 AT ANNEXURE-A AT PAGE NOS.27 AS BEING ARBITRARY, DISCRIMINATIVE AND VIOLATIVE OF PRINCIPLES OF NATURAL JUSTICE, AND FUNDAMENTAL RIGHTS GUARANTEED UNDER THE CONSTITUTION OF INDIA, 1950 AND THE LAW LAID DOWN BY HON BLE SUPREME COURT OF INDIA. B) ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION QUASHING THE IMPUGNED OFFICE ORDER BEARING NO.THA.AA.MU/132/2025-26 DATED 02.08.2025 AT ANNEXURE-N AT PAGE NO.51 AS BEING ARBITRARY, DISCRIMINATIVE AND VIOLATIVE OF PRINCIPLES OF NATURAL JUSTICE, AND FUNDAMENTAL RIGHTS GUARANTEED UNDER THE CONSTITUTION OF INDIA, 1950 AND THE LAW LAID DOWN BY HON BLE SUPREME COURT OF INDIA.C) ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION RESTRAINING THE RESPONDENTS, THEIR AGENTS, SERVANTS OR ANYONE CLAIMING THROUGH THEM FROM TAKING ANY COERCIVE



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AND CONNECTED MATTERS**

ACTION AGAINST THE PETITIONER PURSUANT TO THE IMPUGNED GOVERNMENT ORDER BEARING NO.AA.KU.KA.173 PTD 2025 DATED 14.05.2025.D) PASS SUCH OTHER ORDER AS THIS HON BLE COURT MAY DEEM FIT IN THE FACTS AND CIRCUMSTANCES OF THIS CASE, IN THE INTEREST OF JUSTICE AND EQUITY. AND ETC.,

IN W.P. NO.105941/2025

BETWEEN:

SKANDA GANGADHAR NAIK
S/O. GANGADHAR NAIK,
AGED ABOUT 29 YEARS,
R/AT 1347, JOGNI KATTE, HONNAVAR,
HALDIPUR, UTTARA KANNADA,
KARNATAKA - 581 327.

...PETITIONER

(BY SRI. ANIRUDH A. KULKARNI,
VASISTA RAMPRASAD &
SHREYAS S., ADVOCATES)

AND:

1. STATE OF KARNATAKA,
REPD. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HEALTH AND FAMILY
WELARE, GOVT. OF KARANTAKA,
VIKASA SOUDHA,
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU- 560 001.
2. THE COMMISSIONER,
COMMISSIONERATE OF HEALTH AND FAMILY
WELFARE SERVICES,
AROGYA SOUDHA,
1ST BLOCK, MAGADI ROAD,
BENGALURU - 560 023.
3. THE DISTRICT HEALTH OFFICER,
UTTARA KANNADA DISTRICT,
DISTRICTT HOSPITAL COMPLEX,
UTTARA KANNADA - 581 349



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AND CONNECTED MATTERS**

4. THE ADMINISTRATIVE MEDICAL OFFICER,
PRIMARY HEALTHCARE CENTRE, MANKI,
UTTARA KANNADA DISTRICT – 581 320.
5. THE ASSISTANT DRUGS CONTROLLER,
DRUGS CONTROL DEPARTMENT,
UTTARA KANNADA CIRCLE
C/O DISTRICT SURGEON,
DISTRICT HOSPITAL,
KARWAR – 585 401.
6. PHARMACEUTICALS AND
MEDICAL DEVICES
BUREAU OF INDIA (PMBI),
RPTD BY ITS CHIEF EXECUTIVE OFFICER,
HAVING OFFICE AT, 8TH FLOOR,
VIDEOCON TOWER BLOCK E1,
JHANDEWALAN EXTENSION,
NEW DELHI – 110 055.

...RESPONDENTS

(BY SRI. J.M.GANGADHAR AAG A/W
SRI. T. HANUMAREDDY, AGA FOR R1 TO R5;
SRI. VENKATESH M. KHARVI, ADVOCATE FOR R6)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION QUASHING THE IMPUGNED GOVERNMENT ORDER BEARING NO.AA.KU.KA.173 PTD 2025 DATED 14.05.2025 AT ANNEXURE-A AT PAGE NOS.26 TO 28 ISSUED BY RESPONDENT NO.1 AS BEING ARBITRARY, DISCRIMINATIVE AND VIOLATIVE OF PRINCIPLES OF NATURAL JUSTICE, AND FUNDAMENTAL RIGHTS GUARANTEED UNDER THE CONSTITUTION OF INDIA, 1950 AND THE LAW LAID DOWN BY HON BLE SUPREME COURT OF INDIA. B) ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION QUASHING THE IMPUGNED LETTER BEARING NO.PRA.AA.KENDRA.MANKI/2025-26 DATED 02.08.2025 AT ANNEXURE-M AT PAGE NO.50 ISSUED BY RESPONDENT NO.4 AS BEING ARBITRARY, DISCRIMINATIVE AND VIOLATIVE OF PRINCIPLES OF NATURAL JUSTICE, AND FUNDAMENTAL RIGHTS GUARANTEED UNDER THE CONSTITUTION OF INDIA, 1950 AND THE LAW LAID DOWN BY HON BLE SUPREME COURT OF INDIA. C) ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION RESTRAINING THE RESPONDENTS, THEIR AGENTS, SERVANTS OR ANYONE CLAIMING THROUGH THEM FROM TAKING ANY



**NC: 2025:KHC-D:17894
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AND CONNECTED MATTERS**

COERCIVE ACTION AGAINST THE PETITIONER PURSUANT TO THE IMPUGNED GOVERNMENT ORDER BEARING NO.AA.KU.KA.173 PTD 2025 DATED 14.05.2025 AND ETC.,

IN W.P. NO.106291/2025

BETWEEN:

H PRADEEP
S/O. H NAGESHWAR RAO,
AGED ABOUT 39 YEARS,
R/AT 28/1B KOLACHALAM COMPOUND,
OPP OLD BUS STAND,
BELLARY, KARNATAKA – 583 101.

...PETITIONER

(BY SRI. ANIRUDH A. KULKARNI,
VASISTA RAMPRASAD &
SHREYAS S., ADVOCATES)

AND:

1. STATE OF KARNATAKA,
REPD. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HEALTH AND FAMILY
WELARE, GOVT. OF KARANTAKA,
VIKASA SOUDHA,
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU- 560 001.
2. THE COMMISSIONER,
COMMISSIONERATE OF HEALTH AND FAMILY
WELFARE SERVICES,
AROGYA SOUDHA,
1ST BLOCK, MAGADI ROAD,
BENGALURU – 560 023.
3. THE DISTRICT HEALTH OFFICER,
VIJAYANAGAR DISTRICT,
DISTRICTT HOSPITAL,
VIJAYANAGAR – 583 201.
4. THE DISTRICT SURGEON
GENERAL HOSPITAL & MOTHER AND CHILD
HOSPITAL, HOSAPET TALUK, VIJAYANAGAR,



KARNATAKA - 583 201.

5. THE ASSISTANT DURGS CONTROLLER,
DRUGS CONTROL DEPARTMENT,
DEPARTMENT, BALLARI CIRCLE
PLOT NO.18/36254/B, 1ST FLOOR,
WARD NO.16-B, 4TH CROSS, RIGHT SIDE,
M.V.NAGAR, KAPPAGAL ROAD,
BALLARI - 583 101.
6. PHARMACEUTICALS AND
MEDICAL DEVICES
BUREAU OF INDIA (PMBI),
RPTD BY ITS CHIEF EXECUTIVE OFFICER,
HAVING OFFICE AT, 8TH FLOOR,
VIDEOCON TOWER BLOCK E1,
JHANDEWALAN EXTENSION,
NEW DELHI - 110 055.

...RESPONDENTS

(BY SRI. J.M.GANGADHAR AAG A/W
SRI. T. HANUMAREDDY, AGA FOR R1 TO R4;
SRI. VENKATESH M. KHARVI, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION QUASHING THE IMPUGNED GOVERNMENT ORDER BEARING NO. AA.KU.KA. 173 PTD 2025 DATED 14.05.2025 AT ANNEXURE-A AT PAGE NOS. 24 TO 26 AS BEING ARBITRARY, DISCRIMINATIVE AND VIOLATIVE OF PRINCIPLES OF NATURAL JUSTICE, AND FUNDAMENTAL RIGHTS GUARANTEED UNDER THE CONSTITUTION OF INDIA, 1950 AND THE LAW LAID DOWN BY HONBLE SUPREME COURT OF INDIA ISSUED BY THE RESPONDENT NO. 1.B) ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION RESTRAINING THE RESPONDENTS, THEIR AGENTS, SERVANTS OR ANYONE CLAIMING THROUGH THEM FROM TAKING ANY COERCIVE ACTION AGAINST THE PETITIONER PURSUANT TO THE IMPUGNED GOVERNMENT ORDER BEARING NO. AA.KU.KA. 173 PTD 2025 DATED 14.05.2025C) PASS SUCH OTHER ORDER AS THIS HON'BLE COURT MAY DEEM FIT IN THE FACTS AND CIRCUMSTANCES OF THIS CASE, IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.,



IN W.P. NO.106292/2025

BETWEEN:

GANGADHAR NAIK S/O. RAMACHANDRA NAIK,
AGED ABOUT 62 YEARS,
R/AT 1347 JOGNI KATTE, HONNAVAR,
HALDIPUR, UTTARA KANNADA,
KARNATAKA - 581 327.

...PETITIONER

(BY SRI. ANIRUDH A. KULKARNI,
VASISTA RAMPRASAD &
SHREYAS S., ADVOCATES)

AND:

1. STATE OF KARNATAKA,
REPD. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HEALTH AND FAMILY
WELFARE, GOVT. OF KARNATAKA,
VIKASA SOUDHA,
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU- 560 001.
2. THE COMMISSIONER,
COMMISSIONERATE OF HEALTH AND FAMILY
WELFARE SERVICES, AROGYA SOUDHA,
1ST BLOCK, MAGADI ROAD,
BENGALURU - 560 023.
3. THE DISTRICT HEALTH OFFICER,
UTTARA KANNADA DISTRICT,
DISTRICT HOSPITAL COMPLEX,
UTTARA KANNADA - 577 201.
4. THE ADMINISTRATIVE MEDICAL OFFICER
TALUKA HOSPITAL HONNAVAR,
UTTARA KANNADA DISTRICT 581334.
5. THE ASSISTANT DRUGS CONTROLLER,
DRUGS CONTROL,
DEPARTMENT UTTARA KANNADA CIRCLE,
C/O DISTRICT SURGEON, DISTRICT HOSPITAL,
KARWAR - 585 401.



6. PHARMACEUTICALS AND
MEDICAL DEVICES BUREAU OF INDIA (PMBI),
RPTD BY ITS CHIEF EXECUTIVE OFFICER,
HAVING OFFICE AT, 8TH FLOOR,
VIDEOCON TOWER BLOCK E1,
JHANDEWALAN EXTENSION, NEW DELHI – 110 055.

...RESPONDENTS

(BY SRI. J.M.GANGADHAR AAG A/W
SRI. T. HANUMAREDDY, AGA FOR R1 TO R4;
SRI. VENKATESH M. KHARVI, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION QUASHING THE IMPUGNED GOVERNMENT ORDER BEARING NO.AA.KU.KA.173 PTD 2025 DATED 14.05.2025 AT ANNEXURE-A AT PAGE NOS.28 TO 30 AS BEING ARBITRARY, DISCRIMINATIVE AND VIOLATIVE OF PRINCIPLES OF NATURAL JUSTICE, AND FUNDAMENTAL RIGHTS GUARANTEED UNDER THE CONSTITUTION OF INDIA, 1950 AND THE LAW LAID DOWN BY HON'BLE SUPREME COURT OF INDIA ISSUED BY THE RESPONDENT NO.1. B) ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION QUASHING THE IMPUGNED CLOSURE NOTICE ISSUED BY THE RESPONDENT NO.4 BEARING NO.THA.AA.HO/150/2025-26 DATED 16.05.2025 PRODUCED AT ANNEXURE-M AT PAGE NO.55. C) ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION QUASHING THE IMPUGNED CLOSURE NOTICE ISSUED BY THE RESPONDENT NO.4 BEARING NO.THA.AA.HO/234/2025-26 DATED 17.06.2025 PRODUCED AT ANNEXURE-N AT PAGE NO.56. D) ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION QUASHING THE IMPUGNED CLOSURE NOTICE ISSUED BY THE RESPONDENT NO.4 BEARING NO.THA.AA.HO/366/2025-26 DATED 04.08.2025, PRODUCED AT ANNEXURE-R AT PAGE NOS.59. E) ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION RESTRAINING THE RESPONDENTS, THEIR AGENTS, SERVANTS OR ANYONE CLAIMING THROUGH THEM FROM TAKING ANY COERCIVE ACTION AGAINST THE PETITIONER PURSUANT TO THE IMPUGNED GOVERNMENT ORDER BEARING NO.AA.KU.KA.173 PTD 2025 DATED 14.05.2025, VIDE ANNEXURE-A AND ETC.,



IN W.P. NO.108567/2025

BETWEEN:

HUSAINABI ARALAKATTI W/O. SHOKHATALI,
AGED ABOUT 44 YEARS,
RESIDING AT 1831/5, KALGUDI PLOT
VTC, GAJENDRAGAD,
PO. GAJENDRAGAD, DISTRICT. GADAG,
KARNATAKA 582 114.

...PETITIONER

(BY SRI. ANIRUDH A. KULKARNI,
VASISTA RAMPRASAD &
SHREYAS S., ADVOCATES)

AND:

1. STATE OF KARNATAKA,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HEALTH AND FAMILY WELFARE,
GOVERNMENT OF KARNATAKA,
VIKASA SOUDHA,
DR. B R AMBEDDAR VEEDHI,
BENGALURU 560001.
2. THE COMMISSIONER,
COMMISSIONER OF HEALTH AND FAMILY,
WELFARE SERVICES,
AROGYA SOUDHA, 1ST BLOCK,
MAGADI ROAD, BENGALURU - 560 023.
3. THE DISTRICT HEALTH OFFICER,
GADAG DISTRICT, DISTRICT ADMINISTRATION
BUILDING, JNANA GANGA, GADAG,
KARNATAKA - 582 208.
4. THE ADMINISTRATIVE MEDICAL OFFICER
COMMUNITY HEALTH CENTER,
GAJENDRAGAD, RON TALUK,
GADAG DISTRICT - 582 114.
5. THE ASSISTANT DRUGS CONTROLLER
DRUGS CONTROL DEPARTMENT,
GADAG CIRCLE, GADAG CIRCLE,
CTS NO. 320/1A/2, PLOT NO.39, 1ST FLOOR,



BEHIND SARVODAYA COLONY,
HUBLI ROAD, GADAG 582 103.

6. PHARMACEUTICALS AND MEDICAL DEVICES
BUREAU FO INDIA PMBI
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER,
HAVING OFFICE AT 8TH FLOOR,
VIDEOCON TOWER, BLOCK E1,
JHANDEWALAN EXTENSION,
NEW DELHI - 110 055.

...RESPONDENTS

(BY SRI. J.M.GANGADHAR AAG A/W
SRI. T. HANUMAREDDY, AGA FOR R1 TO R5;
SRI. VENKATESH M. KHARVI, ADVOCATE FOR R6)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OF DIRECTION QUASHING THE IMPUGNED GOVERNMENT ORDER BEARING NO. AA.KU.KA. 173 PTD 2025 DATED 14.05.2025 AT ANNEXURE A AT PAGE NOS. 25-27 AS BEING ARBITRARY, DISCRIMINATIVE AND VIOLATIVE OF PRINCIPLES OF NATURAL JUSTICE, AND FUNDAMENTAL RIGHTS GUARANTEED UNDER THE CONSTITUTION OF INDIA, 1950 AND THE LAW LAID DOWN BY HONBLE SUPREME COURT OF INDIA,B) ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OF DIRECTION QUASHING THE IMPUGNED NOTICE BEARING NO. JI.AA.KU.KA.A.GA/SAMANYA/588/2025-26 DATED 27.10.2025 ISSUED BY THE RESPONDENT NO. 3 AT ANNEXURE - J AT PAGE NO. 45.C) ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION RESTRAINING THE RESPONDENTS, THEIR AGENTS, SERVANTS OR ANYONE CLAIMING THROUGH THEM FROM TAKING ANY COERCIVE ACTION AGAINST THE PETITIONER PURSUANT TO THE IMPUGNED GOVERNMENT ORDER BEARING NO. AA.KU.KA. 173 PTD 2025 DATED 14.05.2025 AND ETC.,



HC-KAR

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THESE WRIT PETITIONS, COMING ON FOR FINAL HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE M.NAGAPRASANNA)

These Writ Petitions, clustered together, by a common thread of grievance, invite this Court to answer, the legality and propriety, of the orders dated 14-05-2025 and 02-08-2025 passed by the 1st and 4th respondents. By the said orders, the Janaushadhi Kendras ('Kendra/s' for short) – Public Welfare Outlets, established under the *Pradhanmantri Bharatiya Janaushadhi Pariyojana*, within the Government Hospital premises of the State are now directed to be shuttered, permissions earlier granted were withdrawn and petitioners were commanded to vacate the premises. The petitioners, in all these cases, **aggrieved by what they perceive as a sudden and unreasoned volte-face by the State, seek interference at the hands of this Court through the subject petitions.**



2. For the sake of convenience, the facts obtaining in W.P.No.105933 of 2025 are noticed, as the narrative is common to all these cases.

3.1. The petitioner has been operating a Kendra within the precincts of Taluk Hospital at Bhatkala, Uttara Kannada District. Since the year 2018, the petitioner has been running the Kendra with all statutory permissions, investing his resources into creating the infrastructure, stocking medicines, procuring equipment and ensuring a dignified and functional retail outlet, within the hospital premises. This is not a casual indulgence, but an endeavour undertaken pursuant to the formal agreement entered into with the State, mirroring similar agreements across the length and breadth of the State. For nearly 7 years, the Kendra/s functioned uninterrupted, rendering service to patients by supplying quality generic medicines at prices dramatically lower than the market rate, often at 50% to 80% below the maximum retail price.

3.2. When things stood thus, the impugned orders are passed which comes to this petitioner as a shock, as the orders



direct immediate closure of the Kendra/s, cancellation of permission granted earlier, rejection of pending applications and eviction by a fixed date. **The primary reason projected *inter alia* was, that the presence of the Kendra/s within the hospital premises impeded the State's policy of supplying free medicine to the patients.**

3.3. Petitions galore against the orders passed directing closure and the coordinate Benches of this Court grant interim orders of stay of the order dated 31-05-2025. Notwithstanding the interim order so granted, an office order is passed on 02-08-2025 or on different dates in other cases, directing closure of Kendra/s by revoking the permissions granted to run the Kendra/s earlier. It is on these grievances, the petitioners in all these cases, are at the doors of this Court calling in question the said action in question.

4. Heard Sri Anirudh A.Kulkarni, learned counsel for the petitioners, Sri J.M. Gangadhar, learned Additional Advocate General appearing for respondents 1 to 5 and Sri Venkatesh M. Kharvi, learned counsel appearing for respondent Nos.5/6.



SUBMISSIONS:

PETITIONER'S:

5. The learned counsel appearing for the petitioner Sri Anirudh A. Kulkarni would vehemently contend that the policy of establishment of Kendra/s was in public interest. It was in the year 2008 the idea of opening Kendra/s of this kind began and in 2015-16 it was strengthened. The petitioner, in accordance with law, was granted 120 sq.ft. of space in a Taluka hospital for the last 7 years. He has been running the Kendra without any complaint from any quarter and is helping thousands of patients around, as high-quality generic medicine is supplied through the Kendra/s at hugely nominal price, sometimes at 80% less than MRP and in some cases to the tune of 50% less than MRP. Nonetheless, on a grossly subsidized price the medicine is being sold. He would contend that the State actually procures medicine from the Kendra/s for giving it to the patients in the hospital projecting it to be given free. Therefore, the State has an obligation to adhere to the legitimate expectation of patients by continuing the Kendra in the hospital, but the State is now wanting it to be closed down, without any rhyme or reason.



THE STATE:

6. Per contra, the learned Additional Advocate General Sri J.M. Gangadhar would vehemently refute the submissions by contending that the report upon which the impugned orders are passed speaks of gross confusion as to who should give the medicine. This confusion has led to the State passing the order that the State would give the medicine and not the Kendra/s. Ultimately the medicine has to go to the public. Therefore, the State will do its job. The petitioner cannot claim to be in perpetual lease of the premises. It is the State Government's property. The dimension is not everything. 120 sq. ft. of space in a Taluk Hospital, the State can utilize it, for its purpose, again for distribution of medicine itself. The State's thought process now is that it has to supply free medicine, like how it is being supplied else where, even in Taluk Hospitals by evicting the Kendra/s and bringing in its own units. The learned Additional Advocate General would vehemently contend that merely because the petitioner is in the business of supply of medicine, cannot mean that he has perpetual lease over the property of the State. He would submit that no fault can be found with the orders



impugned in the subject petition, as it is time for the petitioner to move out.

7. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

CONSIDERATION:

8. Before entering the legal thicket, it is necessary to revisit the origins of the Kendra/s. The Government of India, alive to the grim truth that exorbitant drug prices placed essential medicines beyond the reach of vast swathes of population, conceived the Janaushadhi scheme, as an instrument of social justice. The scheme lied dormant close to a decade. **It is again, given life through a revamp, as Pradhanmantri Bharatiya Janaushadhi Pariyojana** ('Pariyojana' for short). The Pariyojana envisaged a nationwide network of retail outlets, supplying quality generic medicines at affordable prices, implemented through the Pharmaceuticals and Medical Devices Bureau of India. The



introduction and the salient features of the Pariyojana are as follows:

“INTRODUCTION:

India is one of the leading exporters of generic medicines to the world. The branded generic medicines are significantly expensive than their un-branded generic equivalents, though they are identical in their therapeutic value.

The Department of Pharmaceuticals under Ministry of Chemicals & Fertilizers, Government of India has been taking several regulatory and fiscal measures from time to time towards realizing this objective.

Most of the drugs dispensed in India are branded generics, i.e., generic drugs sold with brand names. The need is to focus on unbranded medicines to save expenditure on medicines for all citizens”.

(Emphasis supplied)

and the salient features of the Pariyojana are as follows:

“Salient Features:

The Scheme is operated by Government agencies as well as by private entrepreneurs:

1. Prices of the Jan Aushadhi medicines are 50% - 80% less than that of branded medicine’s prices available in the open market.
2. Medicines are procured only from World Health Organization – Good Manufacturing Practices (WHO-GMP) certified manufacturers for ensuring the quality of the products.
3. Each batch of drug is tested at laboratories accredited by ‘National Accreditation Board for Testing and



Calibrated Laboratories' (NABL) for ensuring best quality.

4. The incentive up to ₹20,000/- per month given @ 20% of monthly purchases made and subject to the stocking mandate.
5. One-time incentives of ₹2.00 lakh is provided to the PMBJP Kendras opened in North-Eastern States, Himalayan areas, Island territories and the backward areas mentioned as aspirational districts by NITI Aayog or opened by women Entrepreneur, Ex-Serviceman Divyang, SC & ST."

The afore-quoted is the object behind introduction of the Pariyojana, for establishment of Kendra/s, all over the Nation.

9. The State of Karnataka aligning itself with this benevolent vision, issued Government Orders in 2016, mandating the establishment of the Kendra/s within Government hospitals and through another Government Order directed doctors to prescribe generic medicines. The Kendra/s were thus, not squatters but were welcomed by policy housed by agreement, sustained by public trust. The place of establishment of the Kendra was said to be at the Government Hospitals at every Taluk or District so that medicines would reach the public.



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10. In furtherance of the scheme, certain Government Orders were issued. On, 29-09-2016, a Government Order for establishment of 200 Kendras within the Government Hospital premises across the State. The Government Order dated 29-09-2016 from its preamble reads as follows:

ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ನಡವಳಿಗಳು

ವಿಷಯ: ಸರ್ಕಾರಿ ಆಸ್ಪತ್ರೆಗಳ ಜನೌಷಧಿ ಮಳಿಗೆಗಳನ್ನು ತೆರೆಯಲು

ಸರ್ಕಾರದ ಅನುಮತಿ ನೀಡುವ ಬಗ್ಗೆ

ಉಲ್ಲೇಖ: 1) ಅರೆ ಸರ್ಕಾರಿ ಪತ್ರ ಸಂಖ್ಯೆ: xxxxxx dated: 02-07-2016.

2) ಅರೆ ಸರ್ಕಾರಿ ಪತ್ರ ಸಂಖ್ಯೆ: ಆ ಕು ಕ 420 ಪಿ ಆರ್ xx 2016

ದಿನಾಂಕ: 20/09/2016

ಪ್ರಸ್ತಾವನೆ:

ಭಾರತ ಸರ್ಕಾರದ ಆರೋಗ್ಯ ಮತ್ತು ಕುಟುಂಬ ಕಲ್ಯಾಣ ಇಲಾಖೆಯ ಕಾರ್ಯದರ್ಶಿಗಳು ಕೇಂದ್ರ ಸರ್ಕಾರದ ಜನೌಷಧಿ ಕಾರ್ಯಕ್ರಮದ ಅಡಿ ಸಾಮಾನ್ಯ ಬಡ ಜನರಿಗೆ ಉತ್ತಮ ಗುಣಮಟ್ಟದ ಜನರಿಕ್ ಔಷಧಿಗಳನ್ನು ಕಡಿಮೆ ಹಾಗೂ ಕೈಗೆಟುವ ದರದಲ್ಲಿ ಸರ್ಕಾರಿ ಆಸ್ಪತ್ರೆಗಳಲ್ಲಿ ಪ್ರಾರಂಭಿಸಲಾಗುವ ಜನೌಷಧಿ ಮಳಿಗೆಗಳ ಮೂಲಕ ಸಾರ್ವಜನಿಕರಿಗೆ ತಲುಪಿಸುವ ಉದ್ದೇಶದಿಂದ ಜನೌಷಧಿ ಮಳಿಗೆಗಳನ್ನು ಪ್ರಾರಂಭಿಸಲು ಇಚ್ಛಿಸುವ ವ್ಯಕ್ತಿಗಳಿಗೆ ಅಗತ್ಯ ರಹದಾರಿಗಳನ್ನು ಒದಗಿಸಲು ರಾಜ್ಯದ ಔಷಧ ನಿಯಂತ್ರಕರಿಗೆ ನಿರ್ದೇಶನ ನೀಡುವಂತೆ ಕೋರಿರುತ್ತಾರೆ.

ಸಾಮಾನ್ಯ ಬಡಜನರಿಗೆ ಉತ್ತಮ ಗುಣಮಟ್ಟದ ಜನರಿಕ್ ಔಷಧಿಗಳನ್ನು ಕಡಿಮೆ ಹಾಗೂ ಕೈಗೆಟುವ ದರದಲ್ಲಿ ಸರ್ಕಾರಿ ಆಸ್ಪತ್ರೆಗಳಲ್ಲಿ ಪ್ರಾರಂಭಿಸಲಾಗುವ ಜನೌಷಧಿ ಅಂಗಡಿಗಳ ಮೂಲಕ ದೊರಕುವಂತೆ ಮಾಡುವ ಕೇಂದ್ರ ಸರ್ಕಾರದ "ಜನೌಷಧಿ ಮಳಿಗೆಗಳ ಸ್ಥಾಪನೆಯ ಯೋಜನೆಯನ್ನು ಕರ್ನಾಟಕ ಸರ್ಕಾರವು ಕಾರ್ಯರೂಪಕ್ಕೆ ತರಲು ಉದ್ದೇಶಿಸಿದೆ.



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ಆರೋಗ್ಯ ಮತ್ತು ಕುಟುಂಬ ಕಲ್ಯಾಣ ಇಲಾಖೆಯಲ್ಲಿ ಉತ್ತಮವಾಗಿ ಕಾರ್ಯ ನಿರ್ವಹಿಸುತ್ತಿರುವ ಸಮುದಾಯ ಆರೋಗ್ಯ ಕೇಂದ್ರ, ತಾಲ್ಲೂಕು ಆಸ್ಪತ್ರೆ ಹಾಗೂ ಕೆಲವು ಜಿಲ್ಲಾ ಆಸ್ಪತ್ರೆಗಳಲ್ಲಿ ಒಟ್ಟು 200 ಜನಾಷ್ಠಿ ಅಂಗಡಿಗಳನ್ನು ಪ್ರಾರಂಭಿಸಲು ತೀರ್ಮಾನಿಸಿ, ಈ ಮಳಿಗೆಗಳು ನಿರ್ವಹಣೆ ಹಾಗೂ ಜವಾಬ್ದಾರಿಯನ್ನು ಕರ್ನಾಟಕ ಡ್ರಗ್ ಲಾಜಿಸ್ಟಿಕ್ ಅಂಡ್ ವೇರ್ ಹೌಸಿಂಗ್ ಸೊಸೈಟಿ ಹಾಗೂ ಇಂಡಿಯನ್ ರೆಡ್ ಕ್ರಾಸ್ ಸೊಸೈಟಿಗಳನ್ನು ನೋಡಲ್ ಸಂಸ್ಥೆಗಳನ್ನಾಗಿ ನಾಮನಿರ್ದೇಶನ ಮಾಡಲು ಉದ್ದೇಶಿಸಿದೆ.

ಅರ್ಹ ಸರ್ಕಾರಿಯೇತರ ಸಂಸ್ಥೆಗಳು, ದತ್ತಿ ಸಂಸ್ಥೆಗಳು, ನಿರುದ್ಯೋಗಿ ವೈದ್ಯರುಗಳು, ಹಾಗೂ ಫಾರ್ಮಾಸಿಸ್ಟ್ ಗಳು ಮತ್ತು ಸ್ವಸಹಾಯ ಗುಂಪುಗಳು ಹಾಗೂ ಆರೋಗ್ಯ ರಕ್ಷಾ ಸಮಿತಿಗಳು ಈ ಮಾಳಿಗೆಗಳನ್ನು ತೆರೆಯಲು ಅರ್ಹರಿದ್ದು, ಇಚ್ಛಿಸಿದ ಅರ್ಜಿ ಸಲ್ಲಿಸುವಲ್ಲಿ ನಿಯಮಾನುಸಾರ ಪರಿಶೀಲಿಸಿ ಆಯ್ಕೆ ಮಾಡಲು ಕ್ರಮ ಜರುಗಿಸಲಾಗುವುದು.

ಕರ್ನಾಟಕ ಸರ್ಕಾರವು ಆಯ್ಕೆ ಸಮುದಾಯ ಆರೋಗ್ಯ ಕೇಂದ್ರ, ತಾಲ್ಲೂಕು ಆಸ್ಪತ್ರೆ ಹಾಗೂ ಎಲ್ಲಾ ಜಿಲ್ಲಾ ಆಸ್ಪತ್ರೆಗಳಲ್ಲಿ ಅಧಿಕ ಸರ್ಕಾರವು ನಿರ್ಧರಿಸುವ ಬೇರೆ ಯಾವುದೇ ಸೂಕ್ತ ಸ್ಥಳಗಳಲ್ಲಿ ಈ ಜನಾಷ್ಠಿ ಮಾಳಿಗೆಗಳನ್ನು ಪ್ರಾರಂಭಿಸಲು ಬೇಕಾದ ಜಾಗವನ್ನು ಉಚಿತವಾಗಿ ಒದಗಿಸಲಾಗುವುದು.

Bureau of Pharma PSUs of India- BBPI ಪ್ರತಿ ಜನಾಷ್ಠಿ ಅಂಗಡಿಯನ್ನು ಪ್ರಾರಂಭಿಸಲು ನೋಡಲ್ ಸಂಸ್ಥೆಗೆ ಅಥವಾ ಕಾರ್ಯನಿರ್ವಹಿಸುವ ಸಂಸ್ಥೆಗೆ ಪ್ರಾರಂಭಿಕವಾಗಿ ರೂ. 1.00 ಲಕ್ಷದ ಮೌಲ್ಯದ ಔಷಧಿಗಳನ್ನು ಸರಬರಾಜು ಮಾಡಲು ಹಾಗೂ 1.00 ಲಕ್ಷ ರೂಪಾಯಿಗಳನ್ನು ಕೇಂದ್ರಗಳ ಸ್ಥಾಪನೆಗೆ ಹಾಗೂ ಪೀಠೋಪಕರಣಗಳನ್ನು ಒದಗಿಸಲು ಖರ್ಚು ಹಾಗೂ 50,000/- ರೂಪಾಯಿಗಳನ್ನು ಕೇಂದ್ರಗಳ ನಿರ್ವಹಣೆಗೆ ಬೇಕಾದ ಗಣಕ ಯಂತ್ರ ಹಾಗೂ ಇತರ ಉಪಕರಣಗಳ ಖರೀದಿ ಸೇರಿ ಪ್ರತಿ ಕೇಂದ್ರಕ್ಕೆ 2.5 ಲಕ್ಷಗಳ ಆರ್ಥಿಕ ಸಹಾಯವನ್ನು ಒದಗಿಸುವುದು.

ಕೇಂದ್ರ ಸರ್ಕಾರದ ಔಷಧೀಯ ಇಲಾಖೆಯು ಗುರುತಿಸಿರುವ Bureau of Pharma PSUs of India-BBPI) ಸಂಸ್ಥೆಯು ಜನಾಷ್ಠಿ ಮಾಳಿಗೆಗಳ ನಿರ್ವಹಣೆಗೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಈ ಕೆಳಕಂಡ ಪಾತ್ರವಹಿಸಬೇಕಾಗಿರುತ್ತದೆ.

- ಕೈಗೆಟುಕುವ ದರಗಳಲ್ಲಿ ಉತ್ತಮ ಗುಣಮಟ್ಟದ ಜನರಿಕ್ ಔಷಧಿಗಳನ್ನು ದೊರಕಿಸುವುದು.



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- ಜನರಿಕ್ ಔಷಧಿಗಳನ್ನು ಜನೌಷಧಿ ಕೇಂದ್ರಗಳ ಮೂಲಕ ಮಾರಾಟ ಮಾಡಲು ಸಹಕರಿಸುವುದು.
- ಕೇಂದ್ರದ ಔಷಧ ಸಾರ್ವಜನಿಕ/ಖಾಸಗಿ ವಲಯದ ಘಟಕಗಳ ಮೂಲಕ ಈ ಔಷಧಿಗಳ ಸರಬರಾಜು ಮಾಡಲು ಸಹಕರಿಸುವುದು.
- ಜನೌಷಧಿ ಕೇಂದ್ರಗಳ ಸೂಕ್ತ ಆಯ್ಕೆ ಮಾಡಲು ಸರ್ಕಾರಕ್ಕೆ ಸಹಾಯ ಮಾಡಬಹುದು.
- ಸೂಕ್ತ ನಿರ್ವಹಣಾ ಸಂಸ್ಥೆಗಳನ್ನು ಆಯ್ಕೆ ಮಾಡಲು ಸರ್ಕಾರಕ್ಕೆ ಸಹಾಯ ಮಾಡಬಹುದು.
- ಅವಧಿ ಮೀರಿದ/ಒಡೆದು ಹೋದ ಔಷಧಿಗಳನ್ನು ಗರಿಷ್ಠ ಅಥವಾ ಖರೀದಿ ಮೌಲ್ಯಕ್ಕೆ 2%ರಷ್ಟು ಹಿಂಪಡೆಯುವುದು,

ಜನೌಷಧಿ ಮಳಿಗೆಗಳನ್ನು ತೆರೆಯುವ ನೊಂದಾಯಿತ ಸಂಸ್ಥೆಗಳು, ಸರ್ಕಾರೇತರ ಸಂಸ್ಥೆಗಳು ಮಳಿಗೆಗಳ ನಿರ್ವಹಣೆ ಮತ್ತು ಜವಾಬ್ದಾರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಸರ್ಕಾರ/Bureau of Pharma PSUs of India-EPPI) ಗಳೊಂದಿಗೆ ತ್ರಿಪಕ್ಷೀಯ ಒಡಂಬಡಿಕೆಗಳನ್ನು ಮಾಡಿಕೊಳ್ಳಬೇಕಾಗುತ್ತದೆ.

ಕೇಂದ್ರ ಸರ್ಕಾರದ ಜನೌಷಧಿ ಕಾರ್ಯಕ್ರಮಗಳನ್ನು ರಾಜ್ಯ ಸರ್ಕಾರವು <XX>ವಾಗಿ ಅನುಷ್ಠಾನಗೊಳಿಸುವ ನಿಟ್ಟಿನಲ್ಲಿ ಮೇಲ್ಕಂಡ ಷರತ್ತು ಮತ್ತು ನಿಬಂಧನೆಗಳಿಗೆ ಒಳಗಾಗಿ 200 ಜನೌಷಧಿ ಮಳಿಗೆಗಳನ್ನು ಪ್ರಾರಂಭಿಸಲು ಸರ್ಕಾರ ತೀರ್ಮಾನಿಸಿದೆ ಈ ಕೇಳಿಕಂಡಂತೆ ಆದೇಶಿಸಿದೆ.

ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: ಆ ಕು ಕ 161 ಹೆಚ್‌ಪಿಸಿ, 2016,
ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 29.09.2016

ಮೇಲೆ ಪ್ರಸ್ತಾಪಿಸಿರುವ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಸರ್ಕಾರವು ಆರೋಗ್ಯ ಮತ್ತು ಕುಟುಂಬ ಕಲ್ಯಾಣ ಇಲಾಖೆಯಲ್ಲಿನ ಸಮುದಾಯ ಆರೋಗ್ಯ ಕೇಂದ್ರ, ತಾಲೂಕು ಆಸ್ಪತ್ರೆ, ಹಾಗೂ ಎಲ್ಲಾ ಜಿಲ್ಲಾ ಆಸ್ಪತ್ರೆಗಳಲ್ಲಿ ಸುಮಾರು 200 ಜನೌಷಧಿ ಮಳಿಗೆಗಳನ್ನು ಸ್ಥಾಪಿಸಲು ಸರ್ಕಾರದ ಅನುಮತಿ ನೀಡಿ ಆದೇಶಿಸಿದೆ.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆಜ್ಞಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ
ಸಹಿ/-
(ಬಿ.ವಿ. ಶ್ರೀನಿವಾಸಯ್ಯ)



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ಆರೋಗ್ಯ ಮತ್ತು ಕುಟುಂಬ ಕಲ್ಯಾಣ
ಇಲಾಖೆ."

(sic)

Later, another Government Order is issued, mandating doctors in Government Hospitals to prescribe medicines – generic medicines, and educate patients to procure generic medicines from the Kendra/s located within the Government hospital premises. The Government Order dated 01-10-2016 reads as follows:

ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ನಡವಳಿಗಳು

ವಿಷಯ:- ಸರ್ಕಾರಿ ಆಸ್ಪತ್ರೆಗಳಲ್ಲಿ ವೈದ್ಯರುಗಳು ಬ್ರಾಂಡ್ ಔಷಧಿಗಳನ್ನು ಸಲಹಾ ಚೀಟಿಯಲ್ಲಿ ಬರೆಯುವುದನ್ನು ನಿಷೇಧಿಸುವ ಬಗ್ಗೆ.

ಓದಲಾಗಿದೆ:- ಆಯುಕ್ತರು, ಆರೋಗ್ಯ ಮತ್ತು ಕುಟುಂಬ ಕಲ್ಯಾಣ ಸೇವೆಗಳು, ಬೆಂಗಳೂರು ಇವರ ಪತ್ರ ಸಂಖ್ಯೆ: ಕೆಡಿಎಲ್/ಸಿಎಸ್/42/2016-17, ದಿನಾಂಕ: 29/09/2016.

ಪ್ರಸ್ತಾವನೆ:

ರಾಜ್ಯದ ಸಾಮಾನ್ಯ ಜನರಿಗೆ ಅತಿ ಕಡಿಮೆ ದರದಲ್ಲಿ Brand ಔಷಧಿಯಷ್ಟೇ ಉತ್ತಮ ಗುಣಮಟ್ಟ ಹಾಗೂ ರೋಗನಿವಾರಕ ಸಾಮಾನ್ಯ ಹೊಂದಿರುವ ಜನರಿಕ್ ಔಷಧಿಗಳನ್ನು ಪೂರೈಸಲು ರಾಜ್ಯ ಸರ್ಕಾರವು ರಾಜ್ಯದ ಆಯ್ದು ಸಮುದಾಯ ಆರೋಗ್ಯ ಕೇಂದ್ರ, ಎಲ್ಲಾ ತಾಲ್ಲೂಕು ಸಾರ್ವಜನಿಕ ಆರೋಗ್ಯ ಕೇಂದ್ರ ಹಾಗೂ Bureau of Pharma Public Sector Undertakings of India (BPPI) ಇವರ ಸಹಕಾರದೊಂದಿಗೆ ಜನಾಂಶಧಿ ಮಳಿಗೆಗಳನ್ನು ತೆರೆಯಲು ಕಾರ್ಯಕ್ರಮ ಹಮ್ಮಿಕೊಂಡಿದೆ.



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Medical Council of India (MCI) ರವರು ದಿನಾಂಕ: 23.01.2013 ರಂದು The Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002 states, "Every physician should, as far as possible, prescribe drugs with generic names and he/she shall ensure that there is a rational prescription and use of drugs." ಬಗ್ಗೆ ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕೆಂದು ತಮ್ಮ website ನಲ್ಲಿ ನಿರ್ದೇಶನ ನೀಡಿರುತ್ತಾರೆ.

ಆದ್ದರಿಂದ ಪ್ರಸ್ತುತ ಸರ್ಕಾರಿ ಆಸ್ಪತ್ರೆಗಳಲ್ಲಿ ವೈದ್ಯರುಗಳು ರೋಗಿಗಳಿಗೆ ಬ್ರಾಂಡ್ ಔಷಧಿಗಳನ್ನು ಸಲಹಾ ಚೀಟಿಯಲ್ಲಿ ಬರೆದುಕೊಡುವುದನ್ನು ನಿಷೇಧಿಸಿ ಇನ್ನುಮುಂದೆ ಸರ್ಕಾರಿ ಆಸ್ಪತ್ರೆಗಳಲ್ಲಿ ಜನರಿಕ್ ಔಷಧಿಗಳನ್ನೇ ಬಳಸಲು ಸರ್ಕಾರ ನಿರ್ಧರಿಸಿದೆ. ಆದ್ದರಿಂದ ಈ ಆದೇಶ

ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: ಆಕುಕ 164 ಹೆಚ್‌ಪಿಸಿ 2016,
ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 01-10-2016.

ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿ ವಿವರಿಸಿರುವ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಸರ್ಕಾರಿ ಆಸ್ಪತ್ರೆಗಳಲ್ಲಿ ವೈದ್ಯರುಗಳು ಬ್ರಾಂಡ್ ಔಷಧಿಗಳನ್ನು ರೋಗಿಗಳಿಗೆ ಸಲಹಾ ಚೀಟಿ (Prescription) ರೂಪದಲ್ಲಿ ನೀಡುವುದನ್ನು ನಿಷೇಧಿಸಲಾಗಿದೆ ಹಾಗೂ ಆರೋಗ್ಯ ಸಂಸ್ಥೆಗಳಲ್ಲಿ ಲಭ್ಯವಿರದ ಔಷಧಿಗಳ ಸಂಬಂಧಿಸಿದ ವೈದ್ಯರುಗಳು, ರೋಗಿಗಳಿಗೆ ನೀಡುವ ಸಲಹಾ ಚೀಟಿ (Prescription) ಗಳನ್ನು Generic ಹೆಸರಿನಲ್ಲಿ ಬರೆಯಲು ಕಡ್ಡಾಯವಾಗಿ ಸೂಚಿಸಿದೆ. ಔಷಧಿಯ ಹೆಸರುಗಳನ್ನು ಸ್ಪಷ್ಟವಾಗಿ ಕಾಣಿಸುವಂತೆ ಜನರಿಕ್ ಹೆಸರಿನಲ್ಲಿ, ಕಡ್ಡಾಯವಾಗಿ ಔಷಧಿಯ ಹೆಸರನ್ನು Capital Letter (ದೊಡ್ಡ ಅಕ್ಷರ) ಗಳಲ್ಲಿ ಬರೆಯುವುದು. ಈ ಔಷಧಿಗಳನ್ನು ಆರೋಗ್ಯ ಸಂಸ್ಥೆಯ ಆವರಣದಲ್ಲಿ ಸ್ಥಾಪಿಸಿರುವ ಜನೌಷಧಿ ಮಳಿಗೆಯಲ್ಲಿ ಕಡಿಮೆ ದರದಲ್ಲಿ ಔಷಧಿ ಸಿಗುವ ಬಗ್ಗೆ ರೋಗಿಗಳಿಗೆ ವಿವರಿಸಿ ಅಲ್ಲಿಂದ ಆ ಔಷಧಿಗಳನ್ನು ಖರೀದಿಸಲು ಸಲಹೆ ನೀಡುವಂತೆ ಸಹ ಸೂಚಿಸಿದೆ.

ಜನರಿಕ್ ಔಷಧಿಗಳು, ಬ್ರಾಂಡ್ ಔಷಧಿಯಷ್ಟೇ ಉತ್ತಮ ಗುಣಮಟ್ಟ, ರೋಗನಿವಾರಕ ಸಾಮರ್ಥ್ಯ ಹೊಂದಿರುತ್ತವೆ ಎಂದು ರೋಗಿಗಳಿಗೆ ಶಿಕ್ಷಣ ಹಾಗೂ ಪ್ರಚಾರದ ಮೂಲಕ ಜಾಗೃತಿ ಮೂಡಿಸುವುದು ಮತ್ತು ಜನರಿಕ್ ಔಷಧಿಗಳನ್ನು ಈ ಒಂದು ಸದುದ್ದೇಶಕ್ಕಾಗಿ ತೆರೆದಿರುವ ಜನೌಷಧಿ ಮಳಿಗೆಗಳ ಮೂಲಕವೇ ಖರೀದಿಸಲು ಜನಸಾಮಾನ್ಯರಿಗೆ ಉತ್ತೇಜನದ ಮುಖಾಂತರ ತಿಳುವಳಿಕೆ ನೀಡುವುದು.

ಇನ್ನು ಮುಂದೆ ಆರೋಗ್ಯ ಸಂಸ್ಥೆಗಳ ಉಗ್ರಾಣಗಳಲ್ಲಿ ಲಭ್ಯವಿರದ ಔಷಧಿಗಳನ್ನು ಖಾಸಗಿ ಔಷಧಾಲಯಗಳಿಂದ ಖರೀದಿಸಲು ಬ್ರಾಂಡ್ ಹೆಸರಿನಲ್ಲಿ ಸಲಹಾ ಚೀಟಿ (Prescription)



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ಗಲನ್ನು ನೀಡುವುದು ಕಂಡುಬಂದಲ್ಲಿ ಹಾಗೂ ಜನೌಷಧಿ ಮಳಿಗೆಗಲಿಂದ ಔಷಧಿಗಲನ್ನು ಖರೀದಿಸದೆ ಖಾಸಗಿ ಔಷಧಾಲಯಗಲಿಂದ ಖರೀದಿಸಲು ವೇರೆರಿಸಿದ್ದು ಕಂಡುಬಂದಲ್ಲಿ ಅಂತಹ ವೈದ್ಯಾಧಿಕಾರಿಗಲ ವಿರುದ್ಧ ಸೂಕ್ತ ಕ್ರಮಕೈಗೂಳ್ಳಲಾಗುವುದು.

ಮುಂದುವರೆದು ಪ್ರಾಥಮಿಕ ಆರೋಗ್ಯ ಕೇಂದ್ರ / ಸಮುದಾಯ ಆರೋಗ್ಯ ಕೇಂದ್ರ / ತಾಲ್ಲೂಕು ಸಾರ್ವಜನಿಕ ಆಸ್ಪತ್ರೆ / ಜಿಲ್ಲಾ ಆಸ್ಪತ್ರೆ / ರಾಜ್ಯದ ಇತರೆ ಆರೋಗ್ಯ ಕೇಂದ್ರಗಲಲ್ಲಿ ಸ್ಥಳೀಯವಾಗಿ ಲಭ್ಯವಿರುವ ಅನುದಾನದಲ್ಲಿಯೂ ಕೂಡ (Untied fund / ARS fund / ZP fund/ಹಾಗೂ ಇತರೆ ಅನುದಾನ) ಜನರಿಕ ಔಷಧಿಗಲನ್ನೇ ಖರೀದಿಸಿ ಬಳಸಲು ಆದೇಶಿಸಿದೆ.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆಜ್ಞಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,
ಸಹಿ/-

(ಬಿ.ವಿ. ಶ್ರೀನಿವಾಸಯ್ಯ)

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ಆರೋಗ್ಯ ಮತ್ತು ಕುಟುಂಬ ಕಲ್ಯಾಣ ಇಲಾಖೆ."

After the aforesaid Government Orders, the petitioners obtained necessary licences to establish and run the Kendra/s in Government Hospitals. Each of the petitioners run different Kendra at different places, all primarily within Government hospital premises. It did not come about just by handing over a token. It was pursuant to an agreement entered into between the person who wanted to establish the Kendra, who has been chosen by the Government of India and the Government of Karnataka. The petitioners begin their operations pursuant to the agreement so entered into between them.



PRESENT CONTROVERSY:

11. When things stood thus, an order comes to be passed on 14-05-2025 directing closure of all Kendra/s within the Government hospital premises. The order dated 14-05-2025 reads as follows:

ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ನಡವಳಿಗಳು

ವಿಷಯ: ಸರ್ಕಾರಿ ಆಸ್ಪತ್ರೆಗಳ ಆವರಣದಲ್ಲಿ ಜನಾಪದಿ ಕೇಂದ್ರಗಳನ್ನು ಹಂಚಿಕೆ ಮಾಡುವ ಕುರಿತು.

ಓದಲಾಗಿದೆ: 1. ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: ಅಕುಕ 161 ಹೆಚ್ ಪಿಸಿ 2016,
ದಿನಾಂಕ: 29.09.2016.

2. ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: ಅಕುಕ 164 ಹೆಚ್ ಪಿಸಿ 2016,
ದಿನಾಂಕ :01.10.2016

3. ಆಯುಕ್ತರು, ಆರೋಗ್ಯ ಮತ್ತು ಕುಟುಂಬ ಕಲ್ಯಾಣ ಸೇವೆಗಳು ಇವರ
ಏಕಕಡತ ಸಂಖ್ಯೆ: HFWS-17014/148/2023.

ಪ್ರಸ್ತಾವನೆ:

ಮೇಲೆ ಓದಲಾದ ಕ್.ಸಂ(1) ರಲ್ಲಿ ಆರೋಗ್ಯ ಮತ್ತು ಕುಟುಂಬ ಕಲ್ಯಾಣ ಇಲಾಖೆಯಲ್ಲಿನ ಸಮುದಾಯ ಆರೋಗ್ಯ ಕೇಂದ್ರ, ತಾಲ್ಲೂಕು ಆಸ್ಪತ್ರೆ, ಹಾಗೂ ಎಲ್ಲಾ ಜಿಲ್ಲಾ ಆಸ್ಪತ್ರೆಗಳಲ್ಲಿ ಸುಮಾರು 200 ಜನಾಪದಿ ಮಳಿಗೆಗಳನ್ನು ಸ್ಥಾಪಿಸಲು ಸರ್ಕಾರದ ಅನುಮತಿ ನೀಡಿ ಆದೇಶಿಸಲಾಗಿರುತ್ತದೆ.

ಮೇಲೆ ಓದಲಾದ ಕ್ರ.ಸಂ. (2) ರಲ್ಲಿ ಸರ್ಕಾರಿ ಆಸ್ಪತ್ರೆಯಲ್ಲಿನ ವೈದ್ಯರುಗಳು ಬ್ರಾಂಡ್ ಔಷಧಿಗಳನ್ನು ರೋಗಿಗಳಿಗೆ ಸಲಾಕಾ ಚೀಟಿ (Prescription) ರೂಪದಲ್ಲಿ ನೀಡುವುದನ್ನು ನಿಷೇಧಿಸಲಾಗಿದೆ ಹಾಗೂ ಆರೋಗ್ಯ ಸಂಸ್ಥೆಗಳಲ್ಲಿ ಲಭ್ಯವಿರದ ಔಷಧಿಗಳನ್ನು ಸಂಬಂಧಿಸಿದ ವೈದ್ಯರುಗಳು, ರೋಗಿಗಳಿಗೆ ನೀಡುವ ಸಲಹಾ ಚೀಟಿ (Prescription) ಗಳನ್ನು Generic



ಹೆಸರಿನಲ್ಲಿ ಬರೆಯಲು ಕಡ್ಡಾಯವಾಗಿ ಸೂಚಿಸಿದೆ. ಈ ಔಷಧಿಗಳನ್ನು ಆರೋಗ್ಯ ಸಂಸ್ಥೆಯ ಆವರಣದಲ್ಲಿ ಸ್ಥಾಪಿಸಿರುವ ಜನೌಷಧಿ ಮಳಿಗೆಯಲ್ಲಿ ಕಡಿಮೆ ದರದಲ್ಲಿ ಔಷಧಿ ಸಿಗುವ ಬಗ್ಗೆ ರೋಗಿಗಳಿಗೆ ವಿವರಿಸಿ ಅಲ್ಲಿಂದ ಆ ಔಷಧಿಗಳನ್ನು ಖರೀದಿಸಲು ಸಲಹೆ ನೀಡುವಂತೆ ಸಹ ಸೂಚಿಸಿದೆ ಹಾಗೂ ಜನರಿಕ್ ಔಷಧಿಗಳು, ಬ್ರಾಂಡೆಡ್ ಔಷಧಿಯಷ್ಟೇ ಉತ್ತಮ ಗುಣಮಟ್ಟ, ರೋಗನಿವಾರಕ ಸಾಮರ್ಥ್ಯ ಹೊಂದಿರುತ್ತದೆ ಎಂದು ರೋಗಿಗಳಿಗೆ ಶಿಕ್ಷಣ ಹಾಗೂ ಪ್ರಚಾರದ ಮೂಲಕ ಜಾಗೃತಿ ಮೂಡಿಸುವುದು ಮತ್ತು ಜನರಿಕ್ ಔಷಧಿಗಳನ್ನು ಈ ಒಂದು ಸದುದ್ದೇಶಕ್ಕಾಗಿ ತೆರೆದಿರುವ ಜನೌಷಧಿ ಮಳಿಗೆಗಳ ಮೂಲಕವೇ ಖರೀದಿಸಲು ಜನಸಾಮಾನ್ಯರಿಗೆ ಉತ್ತೇಜನದ ಮುಖಾಂತರ ತಿಳುವಳಿಕೆ ನೀಡಲು ಆದೇಶಿಸಿದೆ.

ಮೇಲೆ ಓದಲಾದ ಕ್ರ.ಸಂ (3)ರ ಆಯುಕ್ತರು, ಆರೋಗ್ಯ ಮತ್ತು ಕುಟುಂಬ ಕಲ್ಯಾಣ ಇಲಾಖೆ ಇವರ ಏಕಕಡತದಲ್ಲಿ ರಾಜ್ಯದಲ್ಲಿ ಪ್ರಾಥಮಿಕ ಆರೋಗ್ಯ ಕೇಂದ್ರಗಳಲ್ಲಿ ಪ್ರಸ್ತುತ 207 ಜನೌಷಧಿ ಕೇಂದ್ರಗಳಿಗೆ ಅನುಮತಿ ನೀಡಲಾಗಿರುತ್ತದೆ. ಅರ್ಜಿದಾರರು ಜನೌಷಧಿ ಕೇಂದ್ರಗಳ ಸ್ಥಾಪನೆಗೆ ಸಲ್ಲಿಸಿದ ಅರ್ಜಿಯನ್ನು ARS ಮುಂದೆ ಮಂಡಿಸಿ ಅದರ ಅನುಮೋದನೆಯ ನಂತರ ಆಯುಕ್ತರ ಮುಖಾಂತರ ಸರ್ಕಾರಕ್ಕೆ ಸಲ್ಲಿಸಿ, ಸರ್ಕಾರದಿಂದ ಅನುಮೋದನೆ ಆದ ನಂತರ ಅರ್ಜಿದಾರರಿಗೆ ಅನುಮತಿ ನೀಡಲಾಗುತ್ತದೆ. ಆದುದರಿಂದ, ಜನೌಷಧಿ ಕೇಂದ್ರಗಳನ್ನು ಪ್ರಾರಂಭಿಸುವ ನೀತಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಸಮಗ್ರವಾಗಿ ಪರಿಶೀಲಿಸುವ ಅಗತ್ಯವಿರುತ್ತದೆ.

ಪ್ರಸ್ತುತ ಜನೌಷಧಿ ಕೇಂದ್ರಗಳ ಸ್ಥಾಪನೆಗೆ 31 ಅರ್ಜಿಗಳು ಆಯುಕ್ತರ ಹಂತದಲ್ಲಿ ಬಾಕಿ ಇರುತ್ತವೆ. ಸದರಿ ಜನೌಷಧಿ ಕೇಂದ್ರಗಳ ಸ್ಥಾಪನೆಗೆ ಸಂಬಂಧಿಸಿದ ಈಗಿನ ನೀತಿಯು, ಕಾರ್ಯವಿಧಾನಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಹಳೆಯದಾಗಿದೆ. ಈ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಪಾಲಿಸಿಯನ್ನು ಮರುಪರಿಶೀಲಿಸುವುದು ಅಗತ್ಯವಿರುತ್ತದೆ. ಆದುದರಿಂದ ಆಯುಕ್ತಾಲಯದಲ್ಲಿ ಸ್ವೀಕೃತವಾಗಿರುವ ಅರ್ಜಿಗಳ ಬಗ್ಗೆ ಕ್ರಮ ಕೈಗೊಳ್ಳುವ ಕುರಿತು ನಿರ್ದೇಶನ ಕೋರಿರುತ್ತಾರೆ.

ಪ್ರಸ್ತುತ ಆಸ್ಪತ್ರೆಗಳು ರೋಗಿಗಳಿಗೆ ಯಾವುದೇ ಔಷಧಿಗಳನ್ನು ಹೊರಗಿನಿಂದ ಖರೀದಿಸಲು ಶಿಫಾರಸ್ಸನ್ನು ಮಾಡದಂತೆ ನೋಡಿಕೊಳ್ಳುವುದು ಸರ್ಕಾರ ನೀತಿಯಾಗಿದೆ. ಈ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಆಸ್ಪತ್ರೆ ಆವರಣದೊಳಗೆ ಜನಔಷಧಿ ಕೇಂದ್ರಗಳನ್ನು ತೆರೆಯುವುದು ಸರ್ಕಾರದ ನೀತಿಗೆ ವ್ಯತಿರಿಕ್ತವಾಗುತ್ತದೆ.

ಭಾರತದ ಬಿ.ಪಿ.ಪಿ.ಐ ಬ್ಯೂರೋ ಆಫ್ ಫಾರ್ಮ್ ಈ ಜನೌಷಧಿ ಕೇಂದ್ರಗಳಿಗೆ ನೋಡಲ್ ಕೇಂದ್ರ ಸಂಸ್ಥೆಯಾಗಿದ್ದು, ಈ ಕೇಂದ್ರಗಳಿಂದ ಖರೀದಿಸುವ ಔಷಧಿಗಳಿಗೆ ವಿಶೇಷ ರಿಯಾಯ್ತಿಯನ್ನು ಒದಗಿಸುತ್ತದೆ.



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ಆಯುಕ್ತರು, ಆರೋಗ್ಯ ಮತ್ತು ಕುಟುಂಬ ಕಲ್ಯಾಣ ಸೇವೆಗಳು ಇವರ ಪ್ರಸ್ತಾವನೆ ಮತ್ತು ಲಭ್ಯವಿರುವ ದಾಖಲೆಗಳನ್ನು ಕೂಲಂಕಷವಾಗಿ ಪರಿಶೀಲಿಸಿ ಸರ್ಕಾರವು ಈ ಕೆಳಕಂಡಂತೆ ಆದೇಶಿಸಿದೆ.

**ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: ಅಕುಕ 173 ಪಿಟಿಡಿ 2025, ಬೆಂಗಳೂರು, ದಿನಾಂಕ :
14.05.2025**

ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿ ವಿವರಿಸಿರುವ ಅಂಶಗಳ ಹಿನ್ನೆಲೆಯಲ್ಲಿ, ಸರ್ಕಾರಿ ಆಸ್ಪತ್ರೆಗಳಲ್ಲಿ ಇನ್ನು ಮುಂದೆ ಜನೌಷಧಿ ಕೇಂದ್ರಗಳ ಹಂಚಿಕೆಯನ್ನು ಸ್ಥಗಿತಗೊಳಿಸಲು ಮತ್ತು ಅದಕ್ಕೆ ಅನುಗುಣವಾಗಿ ಜನೌಷಧಿ ಕೇಂದ್ರಗಳ ಪ್ರಾರಂಭಕ್ಕಾಗಿ ಆಯುಕ್ತಾಲಯದಲ್ಲಿ ಅನುಮೋದನೆಗಾಗಿ ಬಾಕಿ ಇರುವ 31 ಅರ್ಜಿಗಳನ್ನು ತಿರಸ್ಕರಿಸಲು ಅನುಮೋದನೆ ನೀಡಿ ಆದೇಶಿಸಿದೆ.

ಆದಾಗ್ಯೂ, ಸರ್ಕಾರಿ ಆಸ್ಪತ್ರೆಗಳ ಹೊರಗೆ ಜನೌಷಧಿ ಕೇಂದ್ರಗಳ ಸ್ಥಾಪನೆಯು ಆರೋಗ್ಯ ಮತ್ತು ಕುಟುಂಬ ಕಲ್ಯಾಣ ಇಲಾಖೆಯ ವ್ಯಾಪ್ತಿಗೆ ಬರದ ಕಾರಣ ಮುಂದುವರಿಯಬಹುದಾಗಿದೆ.

ಮುಂದುವರಿದು, ಪ್ರಸ್ತುತ ಇಲಾಖೆಯ ಸರ್ಕಾರಿ ಆಸ್ಪತ್ರೆಗಳಲ್ಲಿ ಅಸ್ತಿತ್ವದಲ್ಲಿರುವ ಜನೌಷಧಿ ಕೇಂದ್ರಗಳನ್ನು ಅವರೊಂದಿಗೆ ಮಾಡಿಕೊಂಡಿರುವ ಒಪ್ಪಂದ ನಿಯಮಗಳ (MOU) ಪ್ರಕಾರ ಸ್ಥಗಿತಗೊಳಿಸಲು ಅಗತ್ಯ ಕ್ರಮವಹಿಸತಕ್ಕದ್ದು.

ಹಾಗೆಯೇ, ಜೆನರಿಕ್ ಔಷಧಿಗಳ ಖರೀದಿಗೆ ಬಿ.ಪಿ.ಪಿ.ಐ ಯೊಂದಿಗೆ ಕೆ.ಎಸ್.ಎಂ.ಎಸ್.ಸಿ.ಎಲ್ ರವರು ವಿಶೇಷ ದರಗಳನ್ನು ರೂಪಿಸಲು ಸೂಚಿಸಿದೆ. ಪರ್ಯಾಯವಾಗಿ, ಆಸ್ಪತ್ರೆಗಳು ಬಿ.ಪಿ.ಪಿ.ಐ (BPPI) ಯಿಂದ ಔಷಧಿಗಳನ್ನು ಖರೀದಿಸಿ ರೋಗಿಗಳಿಗೆ ಉಚಿತವಾಗಿ ವಿತರಿಸಲು ಕ್ರಮವಹಿಸತಕ್ಕದ್ದು.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆಜ್ಞಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ
ಸಹಿ/-

(ಶ್ರೀಪತಿ ಪಿ.ಕೆ)

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ
ಆರೋಗ್ಯ ಮತ್ತು ಕುಟುಂಬ ಕಲ್ಯಾಣ ಇಲಾಖೆ
(ಭಾವೈವ ಮತ್ತು ಸಮನ್ವಯ)"



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Calling in question the said order, the petitioners rushed to this Court. This Court grants an interim order of stay in all these cases and notwithstanding the same, an order of closure comes to be passed on 01-08-2025. The order dated 01-08-2025 reads as follows:

ನಂ:ಅಭಿವೃದ್ಧಿ-1/52/2025-26

ದಿನಾಂಕ:01/08/2025

ರಿಗೆ,

- 1) ಆಡಳಿತ ವೈದ್ಯಾಧಿಕಾರಿಗಳು, ತಾಲೂಕಾ ಆಸ್ಪತ್ರೆ ಹೊನ್ನಾವರ
- 2) ಆಡಳಿತ ವೈದ್ಯಾಧಿಕಾರಿಗಳು, ತಾಲೂಕಾ ಆಸ್ಪತ್ರೆ ಭಟ್ಕಳ
- 3) ಆಡಳಿತ ವೈದ್ಯಾಧಿಕಾರಿಗಳು, ತಾಲೂಕಾ ಆಸ್ಪತ್ರೆ ಸಿದ್ದಾಪುರ
- 4) ಆಡಳಿತ ವೈದ್ಯಾಧಿಕಾರಿಗಳು, ತಾಲೂಕಾ ಆಸ್ಪತ್ರೆ ಮುಂಡಗೋಡ
- 5) ವೈದ್ಯಾಧಿಕಾರಿಗಳು, ಪ್ರಾಥಮಿಕ ಆರೋಗ್ಯ ಕೇಂದ್ರ ಮಂಕಿ.

ಮಾನ್ಯರೇ,

ವಿಷಯ: ಜನೌಷಧಿ ಕೇಂದ್ರಗಳ ಬಗ್ಗೆ ಕ್ರಮವಹಿಸುವ ಕುರಿತು.

ಉಲ್ಲೇಖ: ಮಾನ್ಯ ಘನ ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: ಅಕುಕ 173 ಪಿಟಿಡಿ 2025,

ಬೆಂಗಳೂರು, ದಿನಾಂಕ:14-05-2025.

ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಆಸ್ಪತ್ರೆ ರೋಗಿಗಳಿಗೆ ಯಾವುದೇ ಔಷಧಿಗಳನ್ನು ಹೊರಗಿನಿಂದ ಖರೀದಿಸಲು ಶಿಫಾರಸ್ಸನ್ನು ಮಾಡದಂತೆ ನೋಡಿಕೊಳ್ಳುವುದು ಮಾನ್ಯ ಘನ ಸರ್ಕಾರದ ನೀತಿಯಾಗಿರುತ್ತದೆ. ಮತ್ತು ಆಸ್ಪತ್ರೆ ಅವರಣದೊಳಗೆ ಜನೌಷಧಿ ಕೇಂದ್ರವನ್ನು ತೆರೆಯುವುದು ಮಾನ್ಯ ಘನ ಸರ್ಕಾರದ ನೀತಿಗೆ ವ್ಯತಿರಿಕ್ತವಾಗಿರುತ್ತದೆ.

ಸರ್ಕಾರಿ ಆಸ್ಪತ್ರೆಗಳಲ್ಲಿ ಇನ್ನು ಮುಂದೆ ಜನೌಷಧಿ ಕೇಂದ್ರಗಳ ಹಂಚಿಕೆಯನ್ನು ಸ್ಥಗಿತಗೊಳಿಸಲು ಮತ್ತು ಅದಕ್ಕೆ ಅನುಗುಣವಾಗಿ ಜನೌಷಧಿ ಕೇಂದ್ರಗಳ ಪ್ರಾರಂಭಕ್ಕಾಗಿ ಅರ್ಜಿಗಳನ್ನು ತಿರಸ್ಕರಿಸಲು ಅನುಮೋದನೆ ನೀಡಲಾಗಿರುತ್ತದೆ.

ಕಾರಣ ತಾಲೂಕಾ ಆಸ್ಪತ್ರೆಗಳಲ್ಲಿರುವ ಜನೌಷಧಿ ಕೇಂದ್ರಗಳನ್ನು ಅವರೊಂದಿಗೆ ಮಾಡಿಕೊಂಡಿರುವ ಒಪ್ಪಂದ ನಿಯಮಗಳ(MOU) ಪ್ರಕಾರ ಸ್ಥಗಿತಗೊಳಿಸಲು ಸೂಕ್ತ ಕ್ರಮವಹಿಸಲು ಸೂಚಿಸಿದೆ. ಉಲ್ಲೇಖಿತ ಪತ್ರದ ಪ್ರತಿ ಲಗತಿಸಿದೆ. ಸದರಿ ವಿಷಯದ ಬಗ್ಗೆ ಸೂಕ್ತ ಕ್ರಮ ವಹಿಸಿ ಮರು ಟಪಾಲಿನಲ್ಲಿ ಮಾಹಿತಿಯನ್ನು ನೀಡಲು ಸೂಚಿಸಿದೆ.



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ತಮ್ಮ ವಿಶ್ವಾಸಿ.

ಸಹಿ/-

ಜಿಲ್ಲಾ ಆರೋಗ್ಯ ಮತ್ತು ಕು.ಕ. ಅಧಿಕಾರಿಗಳು,
ಉತ್ತರ ಕನ್ನಡ, ಕಾರವಾರ."

Consequential office order comes to be issued on 02-08-2025 directing the petitioners in these cases to vacate the premises. It reads as follows:

“ಸಂಖ್ಯೆ:- ತಾ.ಆ.ಭ/224/2025-26

ದಿನಾಂಕ:02-08-2025

ಕಛೇರಿ ಆದೇಶ

ವಿಷಯ:- ತಾಲೂಕಾ ಆಸ್ಪತ್ರೆ ಭಟ್ಟಳದ ಆವರಣದಲ್ಲಿದ್ದ ಜನೌಷಧಿ ಕೇಂದ್ರವನ್ನು ಸ್ಥಗಿತಗೊಳಿಸುವ ಕುರಿತು.

ಉಲ್ಲೇಖ(1):- ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ:ಆಕುಕ 173 ಪಿಟಿಡಿ 2025, ಬೆಂಗಳೂರು. 20:14-05-2025.

(2):- ಜಿಲ್ಲಾ ಆರೋಗ್ಯ ಮತ್ತು ಕುಟುಂಬ ಕಲ್ಯಾಣ ಅಧಿಕಾರಿಗಳು, ಕಾರವಾರ ಇವರ ಪತ್ರದ ಸಂ:ಅಭಿವೃದ್ಧಿ-1/52/2025-26, ದಿನಾಂಕ: 01-08-2025.

ಈ ಮೇಲಿನ ವಿಷಯ ಹಾಗೂ ಉಲ್ಲೇಖಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಭಟ್ಟಳ ತಾಲೂಕಾ ಆಸ್ಪತ್ರೆಯ ಆವರಣದ ಒಳಗಡೆ ಇರುವ ಜನೌಷಧಿ ಕೇಂದ್ರ ಸ್ಥಗಿತಗೊಳಿಸಲು ಆದೇಶ ಬಂದಿದ್ದು ಅದರಂತೆ ತಕ್ಷಣ ಅನ್ವಯವಾಗುವಂತೆ ಜನೌಷಧಿ ಕೇಂದ್ರವನ್ನು ಸ್ಥಗಿತಗೊಳಿಸಬೇಕೆಂದು ಈ ಮೂಲಕ ಆದೇಶಿಸಿದೆ. ತಪ್ಪಿದಲ್ಲಿ ನಿಯಮಾನುಸಾರ ಕ್ರಮ ಕೈಗೊಳ್ಳಲಾಗುವುದು ಎಂದು ತಿಳಿಸಿದೆ.

ರಿಗೆ,

ಜಗದೀಶ ಮೊಗೇರ್

ಪ್ರಧಾನಮಂತ್ರಿ ಜನೌಷಧಿ ಕೇಂದ್ರ ಭಟ್ಟಳ.”

The sole justification advanced for the eviction of these petitioners is, *inter alia*, an asserted confusion, as to who should



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supply free medicines. The explanation in the Government Order is unsupported by cogent material, and is wholly insufficient to extinguish the rights and expectations, painstakingly built over years. **“Administrative confusion cannot become a licence for administrative caprice”**. The Kendra/s are established by Government of India with the **avowed objective of providing generic medicine, both cost-effective and quality-effective which is now wanting to be stonewalled by the State by passing of an order of closure.**

12. A perusal at the order impugned, does not bear a line of reason as to why the State wants to dislodge delivery of medicines through the Kendra/s. As observed hereinabove, the Kendra/s were not handed over as a token, but pursuant to agreements entered into between the parties. The sole reason to close the Kendra/s and directing eviction of these petitioners from the premises is that the State wants to deliver free medicine – yet another slogan of providing a freebie or outside medicine is not allowed inside the hospital. The petitioners have pursuant to the agreement with the State have been running the kendras uninterruptedly for 7 years. They do have a legitimate



expectation to continue the Kendra/s. It is not the case of the State that there is a single complaint against any of the Kendra/s, with regard to supply of medicine, its quality or otherwise. Therefore, this strengthens the legitimate expectation of all these petitioners who are running the Kendra/s.

LEGITIMATE EXPECTATION:

13. **The Doctrine of Legitimate Expectation, now firmly embedded in the constitutional principles, demands that the State's action must be fair, predictable and non-arbitrary.** Where the State by consistent conduct induces citizens to operate and serve the public, **cannot in the hottest haste summarily pull the rug beneath the feet, without compelling public interest.** The Apex Court has repeatedly reminded that the State Government, by Rule of Law, must honour its promises, unless overriding public interest established by material and reasons, necessitates the departure.

14. The people and persons who are now selling medicines through the Kendra/s pursuant to agreements do have a



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legitimate expectation that medicines to them would be supplied unhindered, as it is in public domain that scores and scores of people are being benefitted from the Kendra/s established at several places, including Government hospitals. **This legitimate expectation of citizens is being eroded by the State,** ostensibly on the score that the Kendra/s are established by Government of India and have now realized that they would want to supply the medicines free.

**LEGITIMATE EXPECTATION THROUGH THE PRISM OF THE
APEX COURT:**

15. It becomes apposite to refer to the judgment of the Apex Court in the case of **SIVANANDAN C.T. v. HIGH COURT OF KERALA**¹, wherein the Apex Court holds as follows:

"22. The doctrine of legitimate expectation was crystallised in common law jurisprudence by Lord Diplock in the locus classicus, *Council of Civil Service Unions v. Minister for the Civil Service* [*Council of Civil Service Unions v. Minister for the Civil Service*, 1985 AC 374: (1984) 3 WLR 1174 (HL)]. **Lord Diplock held that courts can exercise the power of judicial review of administrative decisions in situations where such decision deprives a person of some benefit or advantage which:**

22.1. They had in the past been permitted by the decision-maker to enjoy and which they can legitimately

¹(2024) 3 SCC 799



expect to be permitted to continue until there has been communicated to them some rational grounds for withdrawing it on which they have been given an opportunity to comment; or

... ..

(b) Doctrine of legitimate expectation under Indian law

24. By the 1990s, the Indian courts incorporated the doctrine of legitimate expectation in the context of procedural fairness and non-arbitrariness under Article 14 of the Constitution. In *Food Corpn. of India v. Kamdhenu Cattle Feed Industries* [*Food Corpn. of India v. Kamdhenu Cattle Feed Industries*, (1993) 1 SCC 71], this Court held that public authorities have a duty to use their powers for the purposes of public good. This duty raises a legitimate expectation on the part of the citizens to be treated in a fair and non-arbitrary manner in their interactions with the State and its instrumentalities. This Court held that a decision taken by an executive authority without considering the legitimate expectation of an affected person may amount to an abuse of power : (SCC p. 76, para 7)

"7. ... To satisfy this requirement of non-arbitrariness in a State action, it is, therefore, necessary to consider and give due weight to the reasonable or legitimate expectations of the persons likely to be affected by the decision or else that unfairness in the exercise of the power may amount to an abuse or excess of power apart from affecting the bona fides of the decision in a given case. The decision so made would be exposed to challenge on the ground of arbitrariness. Rule of law does not completely eliminate discretion in the exercise of power, as it is unrealistic, but provides for control of its exercise by judicial review."

The Court held that whether the expectation of a claimant is legitimate or not is a question of fact which has to be decided after weighing the claimant's expectation against the larger public interest. Thus, while dealing with the claims of legitimate expectations, the court has to necessarily balance the legitimate expectation of a claimant against the larger public interest.

... ..



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39. In *Paponette v. Attorney General of Trinidad & Tobago* [*Paponette v. Attorney General of Trinidad & Tobago*, (2012) 1 AC 1 (PC)] , the Privy Council held that a claimant only has to prove the legitimacy of their expectation. In this regard, the claimant must establish that the expectation is based on an existing promise or practice. Once the claimant establishes their legitimate expectation, the onus shifts to the authority to justify the frustration of the expectation by identifying any overriding public interest. This Court has been applying similar burden requirements in cases of legitimate expectation. [*Union of India v. Hindustan Development Corpn.*, (1993) 3 SCC 499; *State of Jharkhand v. Brahmputra Metallica Ltd.*, (2023) 10 SCC 634; *State of Bihar v. Shyama Nandan Mishra*, (2022) 17 SCC 420 : 2022 SCC OnLine SC 554.]

40. The principle of fairness in action requires that public authorities be held accountable for their representations, since the State has a profound impact on the lives of citizens. Good administration requires public authorities to act in a predictable manner and honour the promises made or practices established unless there is a good reason not to do so. In *Nadarajah [R. (Nadarajah) v. Secy. of State for the Home Deptt.*, 2005 EWCA Civ 1363] , Laws, L.J. held that the public authority should objectively justify that there is an overriding public interest in denying a legitimate expectation. We are of the opinion that for a public authority to frustrate a claim of legitimate expectation, it must objectively demonstrate by placing relevant material before the court that its decision was in the public interest. This standard is consistent with the principles of good administration which require that State actions must be held to scrupulous standards to prevent misuse of public power and ensure fairness to citizens.

(d) Consistency and predictability as aspects of non-arbitrariness

41. Another significant development in the jurisprudence pertaining to the doctrine of legitimate expectation is the emphasis on predictability and consistency in decision-making as a facet of non-arbitrariness. In *Ram Pravesh Singh [Ram Pravesh Singh v. State of Bihar*, (2006) 8 SCC 381: 2006 SCC (L&S) 1986], it was held that the doctrine of legitimate expectation applies to a regular, consistent, predictable, and certain conduct. Similarly, in *Noida Entrepreneurs*



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Assn. v. Noida [*Noida Entrepreneurs Assn. v. Noida*, (2011) 6 SCC 508; (2011) 2 SCC (Cri) 1015; (2011) 2 SCC (L&S) 717], this Court observed that an executive decision without any basis in a principle or a rule is unpredictable. It was held that such a decision-making process contradicts the principle of legitimate expectation and is antithetical to the rule of law.

... ..

44. In a constitutional system rooted in the rule of law, the discretion available with public authorities is confined within clearly defined limits. The primary principle underpinning the concept of rule of law is consistency and predictability in decision-making. A decision of a public authority taken without any basis in principle or rule is unpredictable and is, therefore, arbitrary and antithetical to the rule of law. [*S.G. Jaisinghani v. Union of India*, 1967 SCC OnLine SC 6] The rule of law promotes fairness by stabilising the expectations of citizens from public authorities. This was also considered in a recent decision of this Court in *SEBI v. Sunil Krishna Khaitan* [*SEBI v. Sunil Krishna Khaitan*, (2023) 2 SCC 643], wherein it was observed that regularity and predictability are hallmarks of good regulation and governance. [*SEBI v. Sunil Krishna Khaitan*, (2023) 2 SCC 643] This Court held that certainty and consistency are important facets of fairness in action and non-arbitrariness: (*Sunil Krishna Khaitan case* [*SEBI v. Sunil Krishna Khaitan*, (2023) 2 SCC 643] , SCC pp. 678-79, para 59)

"59. ... Any good regulatory system must promote and adhere to principle of certainty and consistency, providing assurance to the individual as to the consequence of transactions forming part of his daily affairs. [*Union of India v. Raghbir Singh*, (1989) 2 SCC 754. Also see, *The Nature of the Judicial Process*, Benjamin N. Cardozo, p. 33:"I am not to mar the symmetry of the legal structure by the introduction of inconsistencies and irrelevancies and artificial exceptions unless for some sufficient reason, which will commonly be some consideration of history or custom or policy or justice. Lacking such a reason, I must be logical just as I must be impartial, and upon like grounds. It will not do to decide the same question one way between one set of litigants and the opposite way between another."(emphasis supplied)] ... This does not mean that the regulator/authorities cannot deviate from the past



practice, albeit any such deviation or change must be predicated on greater public interest or harm. *This is the mandate of Article 14 of the Constitution of India which requires fairness in action by the State, and non-arbitrariness in essence and substance.* Therefore, to examine the question of inconsistency, the analysis is to ascertain the need and functional value of the change, as consistency is a matter of operational effectiveness."

(emphasis supplied)

...

...

...

E. Conclusions

57. The following are our conclusions in view of the above discussions:

57.1. The principles of good administration require that the decisions of public authorities must withstand the test of consistency, transparency, and predictability to avoid being termed as arbitrary and violative of Article 14;

57.2. An individual who claims a benefit or entitlement based on the doctrine of substantive legitimate expectation has to establish the following: (i) the legitimacy of the expectation; and that (ii) the denial of the legitimate expectation led to a violation of Article 14;

57.3. A public authority must objectively demonstrate by placing relevant material before the court that its decision was in the public interest to frustrate a claim of legitimate expectation;

57.4. The decision of the High Court of Kerala to apply a minimum cut-off to the viva voce examination is contrary to Rule 2(c)(iii) of the 1961 Rules.

57.5. The High Court's decision to apply the minimum cut-off marks for the viva voce frustrates the substantive legitimate expectation of the petitioners. The decision is arbitrary and violative of Article 14.

57.6. In terms of relief, we hold that it would be contrary to the public interest to direct the induction of the petitioners into the Higher Judicial Service after the lapse of more than six years. Candidates who have been selected nearly six years ago



cannot be unseated. They were all qualified and have been serving the district judiciary of the State. Unseating them at this stage would be contrary to public interest. To induct the petitioners would be to bring in new candidates in preference to those who are holding judicial office for a length of time. To deprive the State and its citizens of the benefit of these experienced judicial officers at a senior position would not be in public interest.”

16. The Apex Court, a little earlier, in the case of **VICE CHAIRMAN & MANAGING DIRECTOR, CITY & INDUSTRIAL DEVELOPMENT CORPORATION OF MAHARASHTRA LIMITED v. SHISHIR REALITY PRIVATE LIMITED**² has held as follows:

“**27.** Being governed under “rule of law” every action of the State or its instrumentality while exercising its executive powers must meet the aforesaid requirements. While recognising the existing principle of freedom to enter or not to enter into contracts by the State and its instrumentalities, the manner, method and motive behind the aforesaid decision can be subjected to judicial review on the touchstone of equality, fairness, proportionality and natural justice. The decision of the executive must strike a balance with the alleged violation with that of the penalty imposed.

... ..

63. Similarly, this Court in *A.P. Dairy Development Corpn. Federation v. B. Narasimha Reddy* [*A.P. Dairy Development Corpn. Federation v. B. Narasimha Reddy*, (2011) 9 SCC 286] held as under: (SCC p. 306, para 40)

“**40.** In the matter of the Government of a State, the succeeding Government is duty-bound to continue and carry on the unfinished job of the previous

² (2022) 16 SCC 527



Government, for the reason that the action is that of the "State", within the meaning of Article 12 of the Constitution, which continues to subsist and therefore, it is not required that the new Government can plead contrary to the State action taken by the previous Government in respect of a particular subject. *The State, being a continuing body can be stopped from changing its stand in a given case, but where after holding enquiry it came to the conclusion that action was not in conformity with law, the doctrine of estoppel would not apply. Thus, unless the act done by the previous Government is found to be contrary to the statutory provisions, unreasonable or against policy, the State should not change its stand merely because the other political party has come into power.* 'Political agenda of an individual or a political party should not be subversive of rule of law.' The Government has to rise above the nexus of vested interest and nepotism, etc. as the principles of governance have to be tested on the touchstone of justice, equity and fair play."

(emphasis supplied)

...

...

...

67. Before we delve into the aforesaid arguments, it is imperative for us to go to have a look at certain decisions of this Court. This Court in *Motilal Padampat Sugar Mills Co. Ltd. v. State of U.P.* [*Motilal Padampat Sugar Mills Co. Ltd. v. State of U.P.*, (1979) 2 SCC 409 : 1979 SCC (Tax) 144] laid down the necessity of the Government being bound by the principles of promissory estoppel in the following words : (SCC pp. 442-44, para 24)

"24. ... The law may, therefore, now be taken to be settled as a result of this decision, *that where the Government makes a promise knowing or intending that it would be acted on by the promisee and, in fact, the promisee, acting in reliance on it, alters his position, the Government would be held bound by the promise and the promise would be enforceable against the Government at the instance of the promisee, notwithstanding that there is no consideration for the promise and the promise is not recorded in the form of a formal contract as required by Article 299 of the Constitution.* ... It is indeed difficult to see on what principle can a Government, committed to the rule of law, claim immunity from the doctrine of



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promissory estoppel. ... ***It was laid down by this Court that the Government cannot claim to be immune from the applicability of the rule of promissory estoppel and repudiate a promise made by it on the ground that such promise may fetter its future executive action. If the Government does not want its freedom of executive action to be hampered or restricted, the Government need not make a promise knowing or intending that it would be acted on by the promisee and the promisee would alter his position relying upon it. But if the Government makes such a promise and the promisee acts in reliance upon it and alters his position, there is no reason why the Government should not be compelled to make good such promise like any other private individual.*** The law cannot acquire legitimacy and gain social acceptance unless it accords with the moral values of the society and the constant endeavour of the Courts and the legislature, must, therefore, be to close the gap between law and morality and bring about as near an approximation between the two as possible. The doctrine of promissory estoppel is a significant judicial contribution in that direction. ***But it is necessary to point out that since the doctrine of promissory estoppel is an equitable doctrine, it must yield when the equity so requires. If it can be shown by the Government that having regard to the facts as they have transpired, it would be inequitable to hold the Government to the promise made by it, the Court would not raise an equity in favour of the promisee and enforce the promise against the Government.*** The doctrine of promissory estoppel would be displaced in such a case because, on the facts, equity would not require that the Government should be held bound by the promise made by it. When the Government is able to show that in view of the facts as have transpired since the making of the promise, public interest would be prejudiced if the Government were required to carry out the promise, the Court would have to balance the public interest in the Government carrying out a promise made to a citizen which has induced the citizen to act upon it and alter his position and the public interest likely to suffer if the promise were required to be carried out by the Government and determine which way the equity lies. ... **The burden**



would be upon the Government to show that the public interest in the Government acting otherwise than in accordance with the promise is so overwhelming that it would be inequitable to hold the Government bound by the promise and the Court would insist on a highly rigorous standard of proof in the discharge of this burden."

(emphasis supplied)

68. In the aforesaid case, this Court held that it would not be enough for the Government to merely state that public interest requires that the Government should not be compelled to carry out the promise. It is imperative that the Government when seeking exoneration from liability of enforcing contract, must satisfy the Court as to how public interest overrides the necessity of enforcing the contract. The aforesaid opinion has been reiterated in *Union of India v. Godfrey Philips India Ltd.* [*Union of India v. Godfrey Philips India Ltd.*, (1985) 4 SCC 369 : 1986 SCC (Tax) 11] : (SCC pp. 387-88, paras 12-13)

"12. There can therefore be no doubt that the doctrine of promissory estoppel is applicable against the Government in the exercise of its governmental, public or executive functions and the doctrine of executive necessity or freedom of future executive action cannot be invoked to defeat the applicability of the doctrine of promissory estoppel. ...

*13. Of course we must make it clear, and that is also laid down in *Motilal Sugar Mills case* [*Motilal Padampat Sugar Mills Co. Ltd. v. State of U.P.*, (1979) 2 SCC 409 : 1979 SCC (Tax) 144] that there can be no promissory estoppel against the legislature in the exercise of its legislative functions nor can the Government or public authority be debarred by promissory estoppel from enforcing a statutory prohibition. ***It is equally true that promissory estoppel cannot be used to compel the Government or a public authority to carry out a representation or promise which is contrary to law or which was outside the authority or power of the officer of the Government or of the public authority to make. We may also point out that the doctrine of promissory estoppel being an equitable doctrine, it must yield when the equity so requires; if it can be shown by the Government or public authority that****



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having regard to the facts as they have transpired, it would be inequitable to hold the Government or public authority to the promise or representation made by it, the Court would not raise an equity in favour of the person to whom the promise or representation is made and enforce the promise or representation against the Government or public authority. The doctrine of promissory estoppel would be displaced in such a case, because on the facts, equity would not require that the Government or public authority should be held bound by the promise or representation made by it.”

(emphasis supplied)

(Emphasis in original)

... ..

75. Before we state the conclusions, this Court would like to reiterate certain well-established tenets of law pertaining to government contracts. When we speak of government contracts, constitutional factors are also in play. Governmental bodies being public authorities are expected to uphold fairness, equality and rule of law even while dealing with contractual matters. It is a settled principle that right to equality under Article 14 abhors arbitrariness. Public authorities have to ensure that no bias, favouritism or arbitrariness are shown during the bidding process. A transparent bidding process is much favoured by this Court to ensure that constitutional requirements are satisfied.

76. Fairness and the good faith standard ingrained in the contracts entered into by public authorities mandates such public authorities to conduct themselves in a non-arbitrary manner during the performance of their contractual obligations.

77. The constitutional guarantee against arbitrariness as provided under Article 14 demands the State to act in a fair and reasonable manner unless public interest demands otherwise. However, the degree of compromise of any private legitimate interest must correspond proportionately to the public interest, so claimed.

78. At this juncture, it is pertinent to remember that, by merely using grounds of public interest or loss to the treasury, the successor public authority cannot undo the work undertaken by the previous authority. Such a claim must be proven using



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material facts, evidence and figures. If it were otherwise, then there will remain no sanctity in the words and undertaking of the Government. Businessmen will be hesitant to enter government contract or make any investment in furtherance of the same. Such a practice is counter-productive to the economy and the business environment in general.”

The decisions of the Apex Court *supra*, consistently affirm that State action whether in the realm of policy, administrative or contract, must conform with the principles of fairness, non-arbitrariness, consistency and good faith. The doctrine of Legitimate Expectation, as restated in **SIVANANDAN C. T.** *supra*, holds that where a Public Authority, by a consistent past practice or express representation induces a reasonable expectation of continuity of a benefit, the affected party acquires a legally protectable expectation. Once such expectation is established, its frustration or a deviation can only be by demonstrable overriding public interest. Mere administrative convenience or policy confusion, or change in Governmental preference would not suffice. The Apex Court in the case **SHISHIR REALITY** *supra* underscored that the Governmental freedom in contractual or policy matters is not absolute.

17. The petitioners operated the Kendra/s for years under formal agreements and consistent State policy. The abrupt



closure, unsupported by demonstrable public interest, undoubtedly violates the petitioners legitimate expectation, resultantly, Article 14 of the Constitution of India, and does run foul of the principles laid down by the Apex Court, in the aforesaid judgments.

18. The State proclaims its commitment to free medicine. If medicines are indeed freely and adequately available, no patient would voluntarily purchase them from the Kendra/s. If the patients in the hospitals are being administered medicine procuring them from the Kendra/s, it would demonstrate that there are no free medicines available in the hospitals. Therefore, the intent of supply of free medicine, appears to be an intent only. The sustained success of these Kendra/s over 5 to 7 years in all these cases speaks volumes. Therefore, continuance of these Kendra/s is in public interest. **The State cannot now throw a spanner in the wheel of smooth functioning of the Kendra/s by the impugned action, which on the face of it, is antithetical to public interest.**



19. In the cross-fire between institutional egos and administrative indecision or excesses of administrative decisions, it is the citizen who stands to suffer. The Constitutional Courts exist precisely to prevent such collateral damage. Therefore, the impugned orders born of confusion, rather than clarity and executed in haste rather than fairness, cannot be sustained. **Public interest must be the soul of governance, not a slogan to justify abrupt policy reversals.** The State has not shown that continuation of the Kendra/s is illegal or harmful. **Therefore, it cannot renege on its prior commitments.**

19. The entire fulcrum revolves round politics in delivery of medicine in the name of public interest. Therefore, this Court is constrained to observe that, ***there should be public interest in politics and not politics in public interest.***

20. For the aforesaid reasons, the following:

ORDER

(i) Writ Petitions are ***allowed.***



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- (ii) Order dated 14-05-2025 issued by the 1st respondent, as also the order dated 02-08-2025 issued by the 4th respondent stand quashed.
- (iii) All consequential actions taken pursuant to the aforesaid orders also stand quashed.
- (iv) Orders of the kind, impugned in all these petitions, for the reasons rendered in the course of this order shall stand quashed, so are all the consequential actions.
- (v) *Mandamus issues* to the respondents not to interfere with the petitioners continuing with the Janaushadhi Kendra/s at the premises allotted to them in the Government Hospitals of the State.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**