

**SUPREME COURT OF INDIA**  
(Civil Appellate Jurisdiction)

**M.A. D. No. 8980 OF 2018**

(Application for modification/clarification of Order dated 12.12.2017)

IN

**S.L.P. (Civil) No. 28529 of 2010**

North Gujarat Unit of Association of  
Self-Employed Owners (Paramedical)  
of Private Pathology Laboratories of  
Gujarat.

..Petitioners

Vs.

North Gujarat Pathologists Association & Ors.

..Respondents

**REPORT**

1. Perused office report and record on the file.
2. The instant application for modification/clarification has been filed on 10.03.2018 by Shri Rahul Gupta, Advocate for petitioners/applicants.
3. The aforementioned S.L.P. (C) No.28529/2010 is a disposed of matter. This Hon'ble Court was pleased to pass *inter alia* the following Order on 12.12.2017 in the aforementioned matter :-

".....We dispose of all these special leave petitions and other pending applications, if any, by taking a view that the stand of the Medical Council of India that Laboratory Report can be counter signed only by a registered medical practitioner with a post graduate qualification in pathology is correct."

4. The averments of the application reveals that the petitioner is intending to seek review of the order dated 12.12.2017. This Hon'ble Court in APSRTC & Others Vs. Abdul Karim (2000) 7 SCJ 168 and Delhi Admn. Vs. Gurdip Singh Uban & Ors. Etc. (2000) 7 SCC 296 has held that by describing an application one for "clarification" or "modification" though, it is really one for review a party cannot be permitted to circumvent or bypass the circulation procedure and indirectly obtain a hearing in the open court. What cannot be done directly cannot be permitted to be done indirectly. The court should not permit hearing of such applications for "clarification" or "modification".



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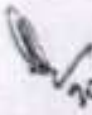
5. In view of the above, the present application filed for modification/direction does not deserve to be received for registration and the same is liable to be lodged.

6. Therefore, the application for modification/direction filed on 10.3.2018 is hereby lodged under the provisions of Order XV Rule 5 of the Supreme Court Rules, 2013.

7. Parties be informed accordingly.

(Ramkumar Choubey)  
Registrar (J-I)  
19.4.2018

~~Addl. Regr. (S.III)~~

  
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HR (117)  

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