

GAHC010077122022



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/2791/2022

SARFARAJ HUSSAIN KHAN
S/O- SAMIR HUSSAIN KHAN, R/O- N.S. ROAD, NEW MARKET, WARD NO. 5,
P.S. DHUBRI, DIST.- DHUBRI, ASSAM, PIN- 783301.

VERSUS

THE STATE OF ASSAM AND 6 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, HEALTH AND
FW DEPTT., DISPUR, GHY.-06.

2:THE DIRECTOR OF HEALTH SERVICES
ASSAM
HENGABARI
GHY.-36.

3:THE JT. DIRECTOR OF HEALTH SERVICES
DHUBRI
DIST.- DHUBRI
ASSAM
PIN- 783301.

4:THE SUPERINTENDENT
GAUHATI MEDICAL COLLEGE AND HOSPITAL (GMCH)
BHANGAGARH
GHY.-05.

5:THE SUPERINTENDENT
DHUBRI CIVIL HOSPITAL
DIST.- DHUBRI
ASSAM
PIN- 783301.

6:THE NODAL OFFICER

DIST. COVID-19 CENTRE
DHUBRI CIVIL HOSPITAL
DIST.- DHUBRI
ASSAM
PIN- 781301.

7:THE DY. COMMISSIONER
DHUBRI
DIST.- DHUBRI
ASSAM
PIN- 781301

Advocate for the Petitioner : MR. M A ISLAM

**Advocate for the Respondent : SC, HEALTH BEFORE
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

26.02.2024

Heard Mr M A Islam, learned counsel for the petitioner. Also heard Mr D P Borah, learned Standing counsel, Health, for respondent Nos. 1 to 6, and Ms U Das, learned Additional Senior Government Advocate, Assam, for respondent No. 7.

2. By filing the writ petition, the writ petitioner assails the medical negligence on the part of the doctors of Dhubri Civil Hospital, resulting in the death of the petitioner's mother.

3. The case of the petitioner is that the petitioner's mother, i.e., Chhabiha Khatun, was declared COVID positive on 23.05.2021 and was admitted in the COVID Centre of Dhubri Civil Hospital, but the doctors did not conduct any test on the petitioner's mother and due to such negligence, the health condition of the petitioner's mother deteriorated and lastly, on 28.05.2021, she was referred to the Super Speciality Hospital of GMCH, where she died on 29.05.2021.

4. It is submitted at the Bar that this petition can be disposed of with the direction to conduct an inquiry into the subject allegation of medical negligence.
5. As such, this Court disposes of this writ petition with a direction that the jurisdictional District Medical Board shall cause an inquiry with regard to the allegation of the petitioner, relating to the negligence on the part of the doctors at Dhubri Civil Hospital, in giving treatment to the petitioner's mother for the period, 23.05.2021 to 28.05.2021 and submit a report to the Health Department, upon which the Department shall take necessary action, in accordance with law.
6. It is needless to clarify that the aforesaid exercise shall be completed within a period of 6 (six) weeks from the date of receipt of a certified copy of this order.
7. The petitioner is at liberty to supply a certified copy of this order to the Joint Director of Health Services, Dhubri (respondent No. 3).
8. With the aforesaid observations and directions, this writ petition stands disposed of.

JUDGE

Comparing Assistant