



CGHC010183702021

2026:CGHC:33484-DB
NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPIL No. 87 of 2021

Vishal Kohli S/o Late V. K. Kohli Aged About 28 Years R/o N.M.D.C. Society,
In Front Of Jain Mandir, New Rajendra Nagar, Raipur, District Raipur
(Chhattisgarh), District : Raipur, Chhattisgarh

... Petitioner(s)

versus

- 1 - State Of Chhattisgarh Through Principal Secretary, Mahanadi Bhawan, Atal Nagar, Nava Raipur (Chhattisgarh), District : Raipur, Chhattisgarh**
- 2 - Department Of Health And Family Welfare And Medical Education Through, Principal Secretary, Mahanadi Bhawan, Atal Nagar, Nava Raipur (Chhattisgarh)**
- 3 - Directorate Of Helath And Family Welfare Government Of Chhattisgarh, Through Secretary Health, Mahanadi Bhawan, Atal Nagar, Nava Raipur (Chhattisgarh)**
- 4 - State Mental Health Hospital Through Its Superintendent Sendri, Bilaspur (Chhattisgarh)**
- 5 - Dr. J.P. Arya Orthopedics, Class 1, Specialist Officer State Mental Health Hospital, Sendri, Bilaspur (Chhattisgarh)**
- 6 - Dr. Suman Arya W/o Dr. J. P. Arya Ent Class 1, Specialist Officer, State Mental Health Hospital Sendri, Bilaspur (Chhattisgarh)**
- 7 - Secretary, C G P S C, North Block, Sector -19, Nava Raipur, Atal Nagar (C.G.)**

... Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner	: None
For State/Respondent No. 1:	Mr. Praveen Das, Addl Advocate General.
to 4.	
For Respondent No. 7.	: Mr. Anand Mohan Tiwari, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

03/08/2026

1. Heard Mr. Praveen Das, learned Additional Advocate General, appearing for the State/Respondent No. 1 to 4, Mr, Anand Mohan Tiwari, learned counsel appearing for the Respondent No. 7.
2. The petitioners have preferred this present petition with following relief:

“10.1 That, the Hon'ble Court may kindly be pleased to direct Respondent authorities to comply with the Section 18, 19, 20 and 21 of the Mental Health Care Act, 2017 in its letter and spirit.

10.2 That, the Hon'ble Court may kindly be pleased to direct Respondent No. 1, 2 and 3 to fill all the sanctioned post of psychiatrist and further appoint sufficient number of qualified staff as mentioned under the Mental Health Care Act, 2017.

10.3 To establish separate Child Ward, de addiction unit, Play Room, half way home and long way home and rehabilitation center in State Mental Health Care Hospital, Sendri, Bilaspur.

10.4 To issue advertisement recruitment of clinical psychologist in State Mental Health Hospital, Sendri, Bilaspur.

10.5 To check disparity in posting of Psychiatric Social

Worker and further if found inappropriate appointment then it may be cancelled and fresh eligible candidate may be recruited as per norms and qualification mentioned in the Mental Health Care Act 2017.

10.6 To establish sufficient number of Mental Health Care Hospital in State of Chhattisgarh as per Sub Clause D of Clause 5 of Section 18 of Mental Health Act, 2017.

10.7 Any other relief as deemed fit by this Hon'ble Court may also be granted in favour of the petitioner.”

3. The present Public Interest Litigation has been filed by the petitioner, an Advocate practicing before the High Court of Chhattisgarh and the District Courts, seeking appropriate directions for the protection of the rights of persons with mental illness in the State of Chhattisgarh. The petitioner has approached this Hon'ble Court in public interest with the grievance that persons suffering from mental illness are not being provided adequate medical care and treatment at par with patients suffering from physical ailments and that the statutory requirements prescribed under the Mental Healthcare Act, 2017 are not being duly complied with in the Mental Health Hospital, Sendri, Bilaspur.

4. The issue involved in the present Public Interest Litigation pertains to the effective implementation of the provisions of the Mental Healthcare Act, 2017, particularly with regard to the availability of adequate medical facilities, appointment of qualified psychiatrists, clinical psychologists, psychiatric social workers, psychiatric nurses and other requisite staff possessing the qualifications prescribed under the Act and the applicable Rules. The petitioner has further questioned the legality of the appointment/posting of certain doctors and staff members who allegedly do not possess the

minimum qualifications prescribed under the statutory framework and has prayed for issuance of appropriate directions to ensure strict compliance with the provisions of the Mental Healthcare Act, 2017, so as to safeguard the rights, dignity and proper treatment of persons with mental illness admitted to the Mental Health Hospital, Sendri, Bilaspur.

5. It has been informed by the learned State Counsel that with respect to the same subject matter and issue, another WPIL No. 112/2017 is pending before this Court for its consideration, in which various observations have been noticed by this Court on the affidavits filed by the State authorities.

6. It has been further informed by the learned State counsel that the State Government has already initiated the process for strengthening the mental healthcare services at the State Mental Hospital, Sendri, Bilaspur. It has been submitted that recruitment advertisements have been issued for filling the vacant posts of Psychiatric Specialists and that, pending regular recruitment, interim arrangements have been made by posting two M.D. Psychiatrists under the PG Bond Service Scheme, besides two regular Psychiatric Specialists and two Psychiatric Specialists under the National Health Mission on contractual basis, thereby ensuring continuity of psychiatric and mental healthcare services. It has further been submitted that a fresh recruitment process has been initiated for six backlog vacancies of Psychiatric Specialists and that necessary steps are being taken for filling the remaining sanctioned posts after obtaining the requisite approval from the Finance Department, with a view to ensuring adequate availability of qualified psychiatrists in the State Mental Hospital, Sendri, Bilaspur and effective implementation of the provisions of the Mental Healthcare Act, 2017.

7. Since the issues raised in the present suo motu Public Interest Litigation are substantially and materially covered in WPIL No. 112 of 2017,

which is already pending before this Court for effective monitoring and consideration, we are of the considered view that no separate proceedings are required to be continued in the present matter.

8. Accordingly, the present Public Interest Litigation stands **disposed of**, leaving it open for the issues, if any, concerning the subject matter to be considered in **WPPIL No. 112 of 2017**, which is already pending before this Court.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Alok