

IN THE HIGH COURT OF BOMBAY AT GOA.**PIL WRIT PETITION NO. 5/2016**

Laxmikant V. Palekar,
Son of Late Vithal Palekar,
Lawyer,
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Goa 403 001
Mob : 9325502238
PAN ACZPP1374R

PETITIONER**VERSUS**

1. State of Goa
Through its Chief Secretary,
Secretariat, Porvorim – Goa.
2. Commissioner & Secretary (Health & FW)
Government of Goa,
Secretariat, Porvorim,
Goa 403521.
3. Director (Health Services)
& Mission Director NHM
Directorate of Health Services
Campal, Panaji,
Goa-403001.

RESPONDENT.

Shri A. Carvalho, Advocate for the petitioner.
Ms. Susan Linhares, AGA for the respondents no.1,
2 and 3.

**CORAM : ANOOP V. MOHTA &
NUTAN D.SARDESSAI, JJ**
DATE : 17th MARCH, 2017.

ORAL JUDGMENT (Per Anoop V. Mohta, J.):

Called out for final hearing as PIL is already admitted by this Court.

2. On hearing the learned counsel appearing for the parties, we are inclined to dispose off Public Interest Litigation. The petitioner has prayed, against the respondents, to fill in the vacancies of sanctioned posts of doctors in the Directorate of Health Services (DHS) and Healthcare in Rural Medical Dispensary, Primary Urban Health Centres and Cottage hospitals in the State by filing present PIL dated 16/1/2016.

3. The learned AGA appearing for the respondents filed reply dated 29.8.2016 stating as under:

"Para 11: The Respondents deny that contents of para 9 of the petition. The respondents deny that healthcare in rural medical dispensary, primary urban health centres or cottage hospitals in the State appear to be grossly affected or that it is leading to increase burden on the Goa Medical College & Hospital, Bambolim. As stated above, the respondents have filled 44 posts of doctors and 84 posts of nurses since January 2016. Appointments of 24 posts of doctors are under process.

Para 15: The respondents admit that health care assumes singular importance in the life of the community and therefore the State provides free

medicines, medical practitioners, nurses and staff etc to its citizens through various dispensaries, health centres and hospital. The Government takes measures to provide effect and efficient services of medical practitioners, nurses and medicines to its citizens. As of today every citizen gets access to health facilities without discrimination. Temporary shortage of a few doctors may not be termed as dereliction of duty to its citizens. The State Government ensures to this Hon'ble Court that there is no shortage of doctors. The respondents deny having turned a blind eye on any obvious requirement of its citizens".

(emphasis added)

4. By memo dated 16.1.2017 also placed material and data to show their bonafides/action in appointing 44 doctors and 84 nurses on the vacant posts in question. Again, she placed on record showing another 40 vacancies filled in. The statement is 84 posts of Doctors and 84 nurses have been filled since January 2016. The petitioner has placed on record communication dated 22nd February, 2017 to reflect that most of the vacancies thereafter filled in by the respondents.

5. Considering the requirements of the Society, State/respondents, noted above, have been taking effective steps in filling the posts which are vacant. Therefore, taking overall view of the matter, we are inclined to dispose off this PIL as

bonafides shown by the respondents and actions have been taken in the interest of public at large. Therefore, there is no reason to keep this petition pending. The petition is accordingly disposed off. Rule is discharged. No costs.

NUTAN D. SARDESSAI, J.

ANOOP V. MOHTA, J.

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