



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

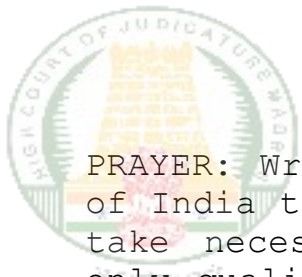
W.P(MD)No.14708 of 2017

C.Anand Raj

.. Petitioner

Vs.

- 1.The Union of India,
Represented by
The Principal Secretary,
Ministry of Health and Family Welfare,
Union of India,
New Delhi.
 - 2.The State of Tamil Nadu represented by the
Principal Secretary,
Health Department,
Secretariat,
St.George Fort,
Chennai-600 009.
 - 3.The Director of Medical Education,
Directorate of Medical Education,
State of Tamil Nadu,
162, EVR Periyar Salai,
Keelpakkam,
Chennai.
 - 4.The Director of Medical and Rural Health Services,
Directorate of Rural and Health Services,
State of Tamil Nadu,
258, Second Floor,
DMS Complex,
Anna Salai, Thenampettai,
Chennai.
- .. Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to take necessary action to ensure the Haemodialysis treatment by only qualified dialysis technicians in all government and private hospitals in the state of Tamil Nadu by strictly implementing the Standard Treatment Guidelines Haemodialysis issued by the Ministry of Health and Family Welfare, Government of India, consequently to direct the respondents to prevent the unqualified dialysis technicians from performing Haemodialysis treatment in all Government and Private hospitals in the State of Tamil Nadu within the time stipulated by this Court.

For petitioner : Mr.R.Alagumani
 For R2 to R4 : Mr.M.Govindan
 Special Government Pleader

ORDER

[Order of the Court was made by K.K.SASIDHARAN, J.]

The petitioner filed this writ petition in pro bono publico to direct the respondents to take immediate action to ensure that Haemodialysis treatment is given only by qualified dialysis technicians in the Government and Private Hospitals in the State of Tamil Nadu.

2.According to the petitioner, the patients are now treated by unqualified Dialysis Technicians. Hence, the petitioner submitted a representation to the respondents requesting to appoint Dialysis Technicians in all the Government Hospitals. Since the follow up action was not taken, the petitioner was constrained to file this writ petition.

3.The Dean, Government Rajaji Hospital, Madurai filed a report indicating that there are 4 Dialysis Technicians now working in the Nephrology Department at Government Rajaji Hospital, Madurai. There is only one sanctioned post and others are working temporarily.

4.The learned counsel for the petitioner contended that there are 13 Dialysis Machines presently at Government Rajaji Hospital, Madurai. However, there are only four Technicians for doing Dialysis.

5.The learned Special Government Pleader, on instructions would submit that there are 10 seats in each of the Medical College for giving diploma for Dialysis Technician and as such, it is possible to recruit sufficient Technicians for Dialysis.



6.The petitioner has exposed the sorry state of affairs in the Government Hospitals and more particularly in the Nephrology Department. The Nephrology Department in the respective Hospitals are not in a position to employ Dialysis Technicians, on account of non-sanctioning necessary posts by the Government.

7.The documents available on record does not contain any indication that there are sufficient Dialysis Technician in all the Hospitals across the State. Though the Government Rajaji Hospital has got 13 Dialysis Machines, the fact remains that there are only 4 Technicians and that too 3 Technicians working temporarily. The Government must address the issue with a sense of urgency.

8.We direct the second respondent to take follow up action for appointment of qualified Dialysis Technicians in all the Government Hospitals across the State, as expeditiously as possible.

9.The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Principal Secretary, The Union of India,
Ministry of Health and Family Welfare,
Union of India, New Delhi.
 - 2.The Principal Secretary, The State of Tamil Nadu
Health Department,
Secretariat,
St.George Fort, Chennai-600 009.
 - 3.The Director of Medical Education,
Directorate of Medical Education,
State of Tamil Nadu, 162, EVR Periyar Salai, Keelpakkam,
Chennai.
 - 4.The Director of Medical and Rural Health Services,
Directorate of Rural and Health Services,
State of Tamil Nadu, 258, Second Floor,
DMS Complex, Anna Salai, Thenampettai, Chennai.
- +One cc to Mr.R.Alagumani, Advocate, SR.No.75135
+One cc to The Special Government Pleader, SR.No.75363

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