



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated :13.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.[MD].No.3387 of 2017

C.Anand Raj

... Petitioner

Vs.

1. The Union of India,
Represented by,
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 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 is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to take immediate action to set up 'Bio Safety Lab-4, for the diagnose of Viral Antigen Testing (a test to check for the presence of the viral antigen) in all Government Medical College Hospitals in the state of Tamil Nadu and to direct the respondents to provide 'polymerized chain reaction diagnosing kit', in all the Government District Head Quarters Hospitals in



the State of Tamil Nadu and to establish 'isolated special ward for suspected swine flue patients' with all infrastructure as prescribed by Medical Council of India in all Government District Head Quarters Hospitals in the State of Tamil Nadu within the time stipulated by this Court.

WEB COPY

For Petitioner : Mr.R.Alagumani
For R1 : Mrs.Parameshwari
for Mrs.S.Srimathy
For R2 to R4 : Mr.M.Govindan
Special Government Pleader

JUDGMENT

[Order of the Court was delivered by **G.R.SWAMINATHAN, J.**]

This writ petition has been filed directing the respondents to take immediate action to set up Bio Safety Lab- 4 in all Government Medical College Hospitals in the State of Tamil Nadu and for establishing isolated special ward for suspected swine flue patients with all infrastructure in all Government District Headquarters Hospitals in the State of Tamilnadu.

2.In response to the writ petition, the second respondent herein has filed a detailed counter affidavit. It is mentioned in the said counter affidavit that as per the Medical Council India norms, establishing Bio Safety Lab- 2 alone is mandatory. Therefore, the question of establishing Bio Safety Lab - 4 at each and every Medical College Hospitals is not required. We find that the said contention raised by the second respondent is to be justified.

3.At this stage, learned counsel for the petitioner stated that he would be satisfied, if the second respondent is directed to consider his request for establishing isolated special ward for suspected swine flue patients' with all infrastructure in all Government District Headquarters Hospital in the State of Tamil Nadu.

4.We therefore, direct the second respondent to consider the representation dated 21 February 2017 submitted by the writ petitioner. The consideration of the said representation shall be confined to the request of the establishment of a separate ward for Swine Flu alone.

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

Sd/-

Assistant Registrar (CS-II)

/True copy/



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 Medical Education,
Directorate of Medical Education,
State of Tamil Nadu,
162, EVR Periyar Salai,
Keelapakkam, 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.

ARUL/SKM

PSM/KK/SAR4/27.07.2017/3P/5C

W.P. [MD] .No.3387 of 2017
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