



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:02.08.2017

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CORAM:

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

W.P. (MD) No.6447 of 2017

and

W.P. (MD) No.11444 of 2017

In W.P. (MD) No.6447 of 2017:

R.K.Baskar

: Petitioner

Vs.

- 1.The Union of India,
Represented by its Secretary,
Ministry of Health,
New Delhi.
- 2.All India Institute of Medical Sciences,
Represented by its Director,
Ansari Nagar,
New Delhi-110 029.
- 3.The State of Tamil Nadu,
Represented by its Chief Secretary,
Fort St.George,
Secretariat, Chennai-600 009.
- 4.The State of Tamil Nadu,
Represented by its Principal Secretary,
Health Department,
Fort St.George,
Secretariat,
Chennai-600 009.

: Respondents

In W.P. (MD) No.11444 of 2017

K.K.Ramesh

: Petitioner

Vs.

- 1.The Union of India,
Represented by its Secretary,
Ministry of Health,
New Delhi.



2.All India Institute of Medical Sciences,
Represented by its Director,
Ansari Nagar,
New Delhi-110 029.

3.The State of Tamil Nadu,
Represented by Principal Secretary to Chief Minister,
Fort St.George,
Secretariat, Chennai-600 009.

4.The State of Tamil Nadu,
Represented by its Chief Secretary,
Fort St.George,
Secretariat, Chennai-600 009.

5.The State of Tamil Nadu,
Represented by its Principal Secretary,
Health Department,
Fort St.George,
Secretariat,
Chennai-600 009.

: Respondents

Prayer in W.P.(MD)No.6447 of 2017: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to establish the All India Institutes of Medical Sciences Hospital in Madurai District, for the welfare of South Tamil Nadu people which covers more than 15 districts and many points of Kerala State. So the people will get high standard medical facility and income will be increased leading to enhance the prosperity and economic development of South Tamil Nadu people and also all basic infrastructures are abundantly available in Madurai District to establish AIIMS Hospital by considering the petitioner's representation dated 15.03.2017.

Prayer in W.P.(MD)No.11444 of 2017: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 to declare the place of the All India Institutes of Medical Sciences Hospital to be established in Tamil Nadu, enabling the people to get high standard medical facility leading to enhance the prosperity of Tamil Nadu people reflecting the voice of people by considering the petitioner's representation dated 10.05.2017.

In W.P.(MD)No.6447 of 2017:

For Petitioner

: Mr.R.Ramachandran

<https://hcservices.ecourts.gov.in/hcservices> For Respondent 1

: Mr.R.Murugappan

For Respondent 2

: No Appearance



For R3 & R4

: Mr.B.Pugalendhi
Additional Advocate General
Assisted by
Mr.M.Govindan
Special Government Pleader

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In W.P.(MD)No.11444 of 2017

For Petitioner

: Mr.K.K.Ramesh
Party in person
: Mr.P.Paul Pandi
: Mr.B.Pugalendhi
Additional Advocate General
Assisted by
Mr.M.Govindan
Special Government Pleader

For R1 & R2

For R3 & R5

O R D E R

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

The writ petition in W.P.(MD)No.6447 of 2017, is filed by R.K.Basker, in Pro bono Publico for issuance of Writ of Mandamus, directing the respondents to establish the All India Institutes of Medical Sciences Hospital in Madurai District, for the welfare of the people who are residing in and around the Southern Districts covering 15 Districts.

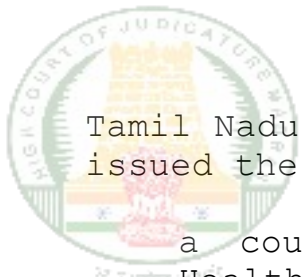
2.The writ petition in W.P.(MD)No.11444 of 2017, is filed by Mr.K.K.Ramesh in Pro bono Publico again to declare the proposed location of the All India Institutes of Medical Sciences Hospital to be established in Tamil Nadu.

3.The petitioners have filed these writ petitions with a grievance that notwithstanding the selection of sites by the team constituted by the Government of India, follow up action was not taken to finalise the location. There was a feeling among the people that the State Government has recommended a particular location for establishment of All India Institutes of Medical Sciences in Tamil Nadu.

4.The Under-Secretary, Ministry of Health, New Delhi in his counter affidavit dated 9th May, 2017, indicated that it is for the State Government to identify three or four suitable sites available for setting up All India Institutes of Medical Sciences as per the requirement to the Central Government for establishing the All India Institutes of Medical Sciences in the State.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Since such a contention was taken by the Government of India, more particularly, the indication that the Government of



Tamil Nadu has not identified the suitable places so far, we have issued the following direction earlier:

"The Government of Tamil Nadu is directed to file a counter affidavit through its Principal Secretary, Health Department, taking into account the contentions raised on behalf of the Government of India. We make it clear that the Government of Tamil Nadu shall take a decision in one way or other with regard to finalization of sites for All India Institutes of Medical Sciences in the State of Tamil Nadu".

6.The Principal Secretary, Health and Family Welfare Department, pursuant to the direction given by this Court, filed a counter affidavit dated 12 July, 2017. The Principal Secretary in the said counter affidavit indicated that the Government has suggested five locations for establishing the All India Institutes of Medical Sciences Hospital, namely, Perundurai in Erode District, Chengalpattu in Kancheepuram District, Thoppur in Madurai District, Sengipatti in Thanjavur District and Pudukottai Town in Pudukottai District.

7.According to the Principal Secretary, it is for the Government of India to take a decision in the matter after considering the locational advantage of each of the locations in question. In view of the said counter affidavit, we have directed the learned Senior Panel Counsel appearing for Union of India to take instruction from the Ministry.

8.When the Writ Petitions were taken up for hearing today, Mr.R.Murugappan, learned Senior Panel Counsel for the Central Government, has produced the written instructions given by the Ministry of Health and Family Welfare of Government of India. The written instructions dated 2nd May, 2017, indicates that the State Government furnished its remarks on 04 May, 2017 and 12 July, 2017. The Government of India, thereafter, constituted a Sub Committee on 1st August, 2017, to assist the Selection Committee for detailed assessment of sites offered by the State for establishment of the All India Institutes of Medical Sciences Hospital in the State of Tamil Nadu. The Ministry of Health and Family Welfare Department further stated that the Sub Committee may have to visit the sites again for evaluation and awarding marks to each site based on the prescribed parameteres.

9.According to the Ministry of Health, it would take about a maximum period of two months for inspection and submission of report. The following paragraph of the written communication would make the position clear:

"The proposals received from the State are to be ~~considered~~ ^{evaluated} by a Selection Committee on the basis of the parameters under challenge method. The Selection Committee would be of Secretary to Government of India



level. The locations need to be ranked from the most suitable to the least suitable. The candidates (sites) securing the highest overall score out of 100 will be considered for establishment of AIIMS.

A sub Committee has been constituted on 01.08.2017 to assist the Selection Committee and to make an initial assessment of the sites, offered by State Government, for establishment of AIIMS in the State. The sub-committee may have to visit the sites again for evaluation and awarding marks to each site based on parameters under challenge method. Therefore, it may take around 1.5-2 months for submitting its report."

10.The uncertainty in respect of the selection of the site for locating the All India Institutes of Medical Sciences in the State of Tamil Nadu is no longer subsisting in view of the stand taken by the Ministry of Health, Government of India.

11.The State Government has recommended five sites and out of those sites, one suitable site has to be selected by the Committee on the basis of marks awarded by following a prescribed criteria. There is an indication about the possible visit by the Sub Committee to note down the locational advantages of the short-listed sites. We hope that such visit would be completed as expeditiously as possible and a report would be submitted by the Sub Committee within a period of two months to the Central Government.

12.The counter affidavit filed by the Principal Secretary, Government of Tamil Nadu, indicates that the initial inspection of locations were made from 22 April, 2015 to 25 April, 2015. The inspection appears to have concluded on 25 April, 2015, resulting in submission of report to the Government of India. Since the matter is pending for more than three years and two months, we expect the Government of India to finalize the site for establishing the All India Institutes of Medical Sciences as expeditiously as possible and in any case on or before 31st December, 2017, so as to enable the people of Tamil Nadu to hear the news about the establishment of All India Institutes of Medical Sciences on 1 January, 2018 and to celebrate it along with the New Year celebrations.

13.The confusion created earlier that the State Government was in favour of a particular location is cleared now on account of the information furnished by the Government of India that the State Government has suggested five locations and there was no specific recommendation for a particular location.

14.The Writ Petitions are disposed of with the above observation. No costs.



15. We place on record the swift action taken by Mr. R. Murugappan, learned Senior Panel Counsel, who took written instructions from the Government of India with short notice.

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Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Union of India,
Ministry of Health, New Delhi.
2. The Director,
All India Institute of Medical Sciences,
Ansari Nagar, New Delhi-110 029.
3. The Principal Secretary to Chief Minister,
The State of Tamil Nadu,
Fort St. George, Secretariat, Chennai-600 009.
4. The Chief Secretary,
The State of Tamil Nadu,
Fort St. George, Secretariat, Chennai-600 009.
5. The Principal Secretary,
The State of Tamil Nadu,
Health Department,
Fort St. George,
Secretariat, Chennai-600 009.

+1cc to M/S.R. Ramachandran, Advocate SR.No. 69873
+1cc to M/S.R. Murugappan, Advocate SR.No. 70015
+1cc to Special Government Pleader, SR.No. 70583

Common Order made in
W.P. (MD) No. 6447 of 2017
and
W.P. (MD) No. 11444 of 2017
Dated:
02.08.2017