

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPIL No. 74 of 2016

- In Reference Court On Its Own Motion (Matter) Related To Tragic Death Of Child Laxmi In C I M S, Bilaspur Chhattisgarh,

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Health, Government Of Chhattisgarh, Raipur, Chhattisgarh,
2. Chhattisgarh Institute Of Medical Science (C I M S), Bilaspur, Chhattisgarh
3. The Indian Medical Association I M A, Chhattisgarh Branch.,
4. Chhattisgarh Chikitsa Adhikari Sangh, Through Its President Dr. Pramod Kumar Tiwari, S/o Late Shri Satatnand Tiwari, Aged About 56 Years, R/o H 2- 13, Narmada Nagar, Bilaspur, P. S. Civil Lines, District Bilaspur

---- Respondent

WPIL No. 76 of 2014

1. Indian Medical Association, A Branch/unit for The State Of Chhattisgarh, A Society/association Registered Under The Provisions Of The Society Registration Act, 1860, Through Secretary Shri Sanjay Dhandharia, Aged About 52 Years, S/o Late S.N.Dhandharia, R/o 32/342, Main Road, Tikrapara, Bilaspur, Chhattisgarh
2. Dr. Prabhat Shrivastava S/o Late K.B.Shrivastava, Aged About 55 Years President Indian Medical Association State Unit/ Branch For Chhattisgarh, R/o 204, Raghuvir Enclave, Ware House Road, Jarhabhata, Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Principal Secretary Department Of Health And Family Welfare Mahanadi Bhawan, Naya Raipur, Chhattisgarh
2. Chief Secretary Government Of Chhattisgarh, Mahanadi Bhawan, Naya Raipur, Chhattisgarh

3. Home Secretary Government Of Chhattisgarh, Mahanadi Bhawan, Naya Raipur, Chhattisgarh
4. Director Of Health Services Government Of Chhattisgarh, Raipur, Chhattisgarh
5. Director General Of Police Chhattisgarh, Police Headquarters, Civil Lines, Raipur, Chhattisgarh
6. Registrar General For On Behalf Of The High Court Of Chhattisgarh, Bilaspur, Chhattisgarh

---- Respondent

Amicus Curiae
For Respective
Respondents

Mr. Amrito Das, Advocate

Mr. A.S. Kachhwaha, Additional Advocate
General, Mr. Prateek Sharma, Mr.
Rajeev Shrivastava and Mr. Anup Majumdar,
Advocates

Order On Board

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Justice Prashant Kumar Mishra

Per, Ajay Kumar Tripathi, Chief Justice

13/8/2018

1. Heard.
2. The issue, agitating the Court, arose out of a Newspaper report as to how a young child died in absence of proper treatment and attendance rendered by the Doctors of Chhattisgarh Institute of Medical Sciences (CIMS).
3. No doubt, from the detailed directions, which have been issued by the Court from time to time, remedial measures have been put in place. Those are reflected in the affidavits exchanged

between the parties and the reports of compliance filed on behalf of the respondents including the impleaded persons or institutions.

4. We also notice from the application for taking additional documents on record that a Notification dated 1.5.2018 has been issued by the Department of Health Education, Government of Chhattisgarh, laying broad parameters and obligations upon the Doctors or the Tutors, who are indulging in private practice. This Notification seems to have broadly laid down the guidelines and the dos and don'ts. This is also one of the mechanisms, which is supposed to help the people at large in availing medical facilities and also for some kind of checks and balances on the Doctors whose greater devotion to private practice at times is detrimental to the official responsibility.
5. Since the sheer magnitude of the demand on the health facilities is enormous, the directions and guidelines, which have been issued, both by the High Court and the State, can only tone up the present dispensation for better delivery within the available resources.
6. We however cannot be unmindful of the obligation of the State, therefore, the present Writ Petitions (PIL) now stand disposed off with an observation that the authorities of the State of Chhattisgarh will continue to be guided by the broad parameters and guidelines, which have been issued by the Court. They shall also ensure that the Notification dated 1.5.2018 is enforced and implemented and for which object and

purpose the same was notified.

7. The Court expresses its appreciation to all the counsels who have rendered assistance including the amicus curiae.

Sd/-

(Ajay Kumar Tripathi)
Chief Justice

Sd/-

(Prashant Kumar Mishra)
Judge

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