



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2018

CORAM:

WEB COPY

THE HONOURABLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND
THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.[MD].No.16088 of 2018

K.K.Ramesh

: Petitioner

Vs.

1.The Union of India,
Rep by its Principal Secretary to Prime Minister,
P.M.Office, New Delhi.

2.The Union of India,
Rep by its Secretary,
Ministry of Health, New Delhi.

3.All India Institute of Medical Sciences,
Rep by its Director,
Ansari Nagar, New Delhi 110 029.

4.The Director,
Central Bureau of Investigation,
CBI Headquarters, New Delhi.

5.The State of Tamil Nadu,
Rep by its Chief Secretary,
Fort.St.George, Secretariat, Chennai 600 009.

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

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to instruct the second respondent:

A]. To speed up the construction works of All India Institute of Medical Sciences AIIMS Hospital, Thoppur, Madurai District, Tamil Nadu within a stipulated time;

B] To form a Vigilance Committee headed by one official of Central Bureau of Investigation [CBI] to monitor the construction work of AIIMS;

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

C] To appoint 35% of Tamil Nadu Medical Officers to work in AIIMS Hospital, Thoppur, Madurai District, Tamil Nadu; and



D] To consider the petitioner's representation dated 12.07.2018.

For Petitioner

: Mr.K.K.Ramesh

Party-in-person

For Respondent Nos.1 to 3

: Mr.V.Kathirvelu

Assistant Solicitor General of India

Assisted by Mr.R.Arjunarajan

Central Government Standing Counsel

For Respondent

Nos.5&6

: Mr.R.Sethuraman

Special Government Pleader

O R D E R

[Order of the Court was made by Ms.Indira Banerjee, Chief Justice]

This Writ Petition, in public interest, has been filed seeking the following reliefs on the second respondent, viz., Union of India, represented by its Secretary, Ministry of Health New Delhi:

A]. To speed up construction of All India Institute of Medical Sciences [hereinafter referred to as "the AIIMS Hospital"], Thoppur, Madurai District, Tamil Nadu, within a stipulated time;

B] To form a Vigilance Committee headed by an official of Central Bureau of Investigation [CBI] to monitor the construction work of AIIMS Hospital, Thoppur, Madurai District;

C] To appoint 35% of Tamil Nadu Medical Officers to work in AIIMS Hospital, Thoppur, Madurai District, Tamil Nadu; and

D] To consider the representation of the petitioner dated 12.07.2018.

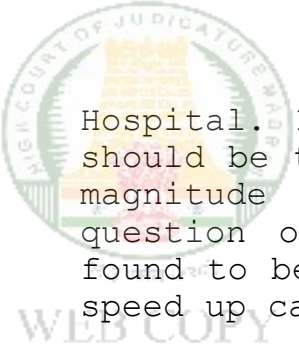
In the representation dated 12th July 2018, the petitioner has sought the reliefs specified above.

2. It is the case of the petitioner that from newspaper reports in daily newspapers, he learnt of the proposal to set up AIIMS Hospital at Thoppur, Madurai District. According to the petitioner, there has been undue delay in locating the site for the hospital.

3. In the Writ Petition, it is also stated that the establishment of AIIMS Hospital in Madurai would open up 300 additional M.B.B.S., seats immensely benefitting aspirants proposing to take up the medicine as a profession.

4. In a welfare State, the Government has a duty to set up Medical Institutions all over the country. However, where Medical Institutions should be set up, selection of the site for setting up such institutions are all matters of policy decision with which the Courts do not ordinarily interfere in proceedings under Article 226 of the Constitution of India.

5. It appears that very recently, a site has been located for construction of AIIMS Hospital at Madurai. There is no reason to suppose that there will be undue delay in construction of AIIMS



Hospital. It is also not possible for this Court to estimate what should be the reasonable time for construction of a hospital of the magnitude of AIIMS Hospital along with a Medical College. The question of speeding up construction arises when construction is found to be too slow. Even then it is doubtful whether an order to speed up can be passed without considering the reasons for delay.

6. Be that as it may, this Court can only express the hope that construction of the AIIMS Hospital and the Medical College at Thoppur, Madurai District, will be completed as early as possible, without undue delay.

7. It is not for the Central Bureau of Investigation to monitor construction works. The construction will necessarily have to be carried out, as per established norms in this regard. Similarly, there is not a whisper in the affidavit in support of the Writ Petition of the basis on which the petitioner is claiming that 35% of the Tamil Nadu Medical Officers should work in AIIMS Hospital at Thoppur in Madurai District. We can only expect that efficient Doctors of adequate number will be engaged as and when the hospital is functional. This Court expresses fervent hope that the AIIMS Hospital and Medical College, as observed above, will be set up and made functional as expeditiously as possible.

With the above observations, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1.The Principal Secretary to Prime Minister,
Union of India, P.M.Office, New Delhi.

2.The Secretary to Government,
Union of India,
Ministry of Health, New Delhi.

3.The Director,
All India Institute of Medical Sciences,
Ansari Nagar, New Delhi 110 029.

4.The Director,
Central Bureau of Investigation,
CBI Headquarters, New Delhi.

5.The Chief Secretary to Government,
Fort.St.George, Secretariat, Chennai 600 009.



6.The Principal Secretary to Government,
Health Department, Fort.St.George,
Secretariat, Chennai 600 009.

+1cc to M/S.R.Arjunarajan, Advocate SR.No. 74582

+1cc to M/S.K.K.Ramesh, Party-in-Person SR.No. 74603

+1cc to Special Government Pleader, SR.No. 74836

ORDER MADE IN
W.P. [MD] .No.16088 of 2018
24.07.2018

nb/rsb

JM/RP/SAR 3/11.08.2018/4P/10C