

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPIL No. 119 of 2020**

- Dr. Vikas Kumar Agrawal Shri B. K. Agrawal Aged About 52 Years R/o Agrawal Clinic, Behind Municipal Hospital, Shukrawari Bazar, Gudhiyari, Raipur, Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary, Department of Health And Family Welfare, Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur, Distt. Raipur, Chhattisgarh
2. Director Health Services Directorate, Health Services, Indrawati Bhawan, Raipur, Chhattisgarh

---- Respondents

For Petitioner : Shri Rahul Tamaskar, Advocate.

For Respondents/State : Shri Chandresh Shrivastava, Deputy Advocate General.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice

Hon'ble Shri Justice Parth Prateem Sahu, Judge

Order on Board

Per P.R. Ramachandra Menon, Chief Justice

01.12.2020

1. The Petitioner has moved this Court with the following prayers:

“10.1 The Hon'ble Court may kindly be pleased to call for the entire record pertaining to the case.

10.2 The Hon'ble Court may direct the respondent state to relax the criteria for allowing private hospitals to carry out Rapid Antigen Test for private hospitals laid down in memo dated 16.09.2020 (Annexure P-5) in the interest of general public.

10.3 Any other relief, which this Hon'ble Court may, deems fit and proper may also be awarded to the petitioner including the cost of the petition”

2. Heard Shri Rahul Tamaskar, the learned counsel for the Petitioner as well as Shri Chandresh Shrivastava, the learned Deputy Advocate General appearing on behalf of the Respondents-State.

3. The learned counsel for the Petitioner submits that the grievance projected herein is mainly with regard to the necessity to conduct more tests, particularly the 'Rapid Antigen Test' and to make it affordable to common man. The rates being charged by the private hospitals, who have been permitted by the State to conduct the test are exorbitant and as such, there is a necessity to have it brought down with reference to the actual cost and reasonable profit to be realized by the private institutions. The learned counsel also submits that the grievance in fact has been raised by filing Annexure P/8 representation which is pending consideration before the 2nd Respondent. Since the same is yet to be acted upon, the Petitioner is constrained to move this Court by filing the present petition.
4. Considering the limited prayers sought for to cause the Annexure P/8 representation to be considered and finalized, we do not find it necessary to go into the merits of the case. The writ petition stands disposed off directing the 2nd Respondent to consider and pass appropriate orders on Annexure P/8, in accordance with law, also taking note of all the relevant aspects/materials provided by the 1st Respondent/State. This shall be done after affording an opportunity of hearing to the Petitioner, as expeditiously as possible at any rate within 'one month' from the date of receipt of a copy of this judgment. The Petitioner is required to provide a copy of judgment alongwith a copy of the writ petition before 2nd Respondent for further steps.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge