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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.40846 of 2016

&

W.M.P.Nos.2937 of 2017, 34853 & 34854 of 2016

Kurinji Super Specialties Hospital Limited
represented by its
Managing Director Dr.T.Jayaraman
Having its registered office at
No.22, Doctors Colony,
Reddipatty,
Steel Plaint Road,
Salem - 636 302.

... Petitioner

Vs.

1.Director of Drugs Control of Tamilnadu,
Office of the Director of Drugs Control,
No.359, Anna Salai, DMS Campus,
Teynampet,
Chennai - 600 006.

2.The Senior Drug Inspector
Office of the Assistant Director of Drug Control,
Salem Zone,
No.7, Thiruvalluvar Street,
Subramaniapuram,
Salem

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the impugned proceedings seizure report dated 03.10.2016 of the 2nd respondent, quash the same and direct the 1st respondent to renew the petitioner's license No.280 dated 31.07.2007 to run the blood bank.

For Petitioner : Mr.R.Nalliyappan
For Respondents : Mr.C.Selvaraj

O R D E R

The Writ Petition is filed to quash the seizure report dated 03.10.2016 and to direct the 1st respondent to renew the petitioner's license No.280 dated 31.07.2007 to run the blood bank.



2. The petitioner is a company running in the name and style of Kurinji Super Specialties Hospital Limited. The petitioner hospital was granted a license to run blood bank vide license No.280 dated 31.07.2007 valid for a period of 5 years i.e., from 31.07.2007 to 30.07.2012, in the premises of the petitioner. On expiry of the license period, the petitioner submitted an application for renewal. The joint inspection was conducted on 27.02.2014, by the Senior Drug Inspector of the State Government and the Drug Inspector of the Central Government for the renewal of license in Form 27-C, which was granted on 31.07.2007.

3. During the course of inspection by the joint inspection team, the petitioner has not informed the change in constitution of the forum operating under the existing license to the inspection team. Further, during inspection, the joint inspection team has noticed the following eight deficiencies:

"i. Blood bank is preparing blood component Platelet rich plasma since 2008 without permission of licensing authority (SLA/CLAA).

ii. At that time of inspection, it is observed that the Air conditioner which is provided in refreshment and rest room is not working.

iii. Two number of air conditioner (Videocon Split) are provided in Blood Component Area in that one Air conditioner is not working. Hence the blood bank shall maintain the temperature (20-25°C) as prescribed in the Para B of Part XII-B of Schedule F of Drugs and Cosmetics Rules 1945.

iv. At that time of inspection it was observed that the equipment like blood collection monitor, blood storage refrigerator, deep freezer, refrigerated centrifuge etc are calibration due date on 02.02.2014. Hence the blood bank shall do the calibration as prescribed in the Para E of Part XII-B of Schedule F of Drugs and Cosmetics Rules 1945.

v. The Blood bank is doing tests of transmissible diseases by rapid method only. However the blood bank is provided Elisa reader and washer. Hence the blood bank is advised to do Elisa method also for tests of transmissible diseases.

vi. The blood bank is advised to allot the equipment identification number for all the equipments

vii. The blood bank is advised to submit the labels as prescribed in the Para M of Part XII-B of Schedule F of Drugs and Cosmetics Rules 1945.

viii. At the end of the storage period, the quality control tests of platelet concentrate is not performed and records are not available."

In view of the defects noticed by the joint inspection team as above, the license was not renewed.



4. The learned counsel for the petitioner has made a submission that the petitioner has rectified all the defects and submitted an application in the month of October 2021 for grant of renewal of license.

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5. This Court is of the considered opinion that the license granted in the year 2007 expired in the year 2012. From the year 2012 to 2021, the petitioner was not possessing license to run the blood bank. Under these circumstances, a fresh application now submitted by the petitioner in the month of October 2021 has to be considered by following the procedures and in accordance with the provisions of law.

6. In this regard, the respondents are directed to initiate appropriate action and dispose of the application as expeditiously as possible in the manner known to law.

7. With these observations, this Writ Petition stands disposed of. Consequently, connected Miscellaneous Petitions are also closed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

shr/Kan

To

1. Director of Drugs Control of Tamilnadu,
Office of the Director of Drugs Control,
No.359, Anna Salai, DMS Campus,
Teynampet,
Chennai - 600 006.

2. The Senior Drug Inspector
Office of the Assistant Director of Drug Control,
Salem Zone,
No.7, Thiruvalluvar Street,
Subramaniapuram,
Salem

+1 cc to Government Pleader Sr.NO. 58535

W.P.No.40846 of 2016

BS(CO)
A.SK(09.12.2021)