

08.12.2022

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WPA 27171 of 2022

With

CAN 1 of 2022

Dilip Saw

-Vs-

The State of West Bengal & Ors.

Mr. Suman Sengupta

Mr. Dip Jyoti Chakrabrty

... for the petitioner

Mr. Sambuddha Dutta

... for the respondent nos. 3 & 4

Mr. Amal Kr. Sen,

Mr. Lal Mohan Basu

... for the State

Mr. Aniruddha Chatterjee,

Mr. Rahul Karmakar,

Mr. Sourav Guchhait

... for the proposed added respondents

The petitioner is the father of a seven year old child who is presently admitted in the Calcutta Medical College Hospital for urgent surgical intervention; more specifically removal of a damaged kidney. The petitioner complains that due to an agitation of the students of the Calcutta Medical College Hospital, the procedure could not be administered on the petitioner's son and prays for urgent relief on that basis.

Learned counsel appearing for the Superintendent of the Hospital submits that the authorities were unable to carry out the necessary procedure since the management of the Hospital was detained by the students for almost 72 hours.

Learned counsel appearing for the Directorate of Health Services submits that most of the required tests have already been completed and that the surgery will take place within the shortest possible time.

The students of the Hospital have filed an application being CAN 1 of 2022 for being added as parties to the writ petition; the apprehension being that the responsibility of the delay in surgical intervention on the petitioner's son will be put on the students.

Learned counsel for the applicants, however, gives an undertaking that the students will not obstruct or interfere with any procedure, which is to be carried out on the petitioner's son.

Upon considering the submissions of the counsel for the parties, this Court is of the view that since the child has been admitted in the Hospital on and from 5th December, 2022 and the required intervention has not yet been carried out by reason of ongoing agitation, it is imperative that the Hospital Authorities as well as the Directorate of Health Services of the State ensure that the necessary intervention is done without any further

delay. This is particularly so that the child is in precarious physical condition.

CAN 1 of 2022 is allowed. The applicants shall be added as party respondents.

WPA 27171 of 2022 is disposed of with a direction on the Directorate of Health Services, the Superintendent of the Calcutta Medical College Hospital and other office bearers as well as the added respondents to ensure that the surgery is performed on the child without disruption by 5 p.m. tomorrow, i.e. 9th December, 2022. Needless to say, all the clinical tests, as required, shall also be completed before the surgery takes place.

To clarify, the applicants/added respondents shall not disrupt the procedure to be carried out on the child as directed by this Court.

(Moushumi Bhattacharya, J.)