

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

PUBLIC INTEREST LITIGATION NO. 103 OF 2018

(Dr. Nirmala Ramesh Vaze Vs. The State of Maharashtra & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.

Court's or Judge's order

Ms. S.S. Singalkar, Advocate for the petitioner.

Shri S.A. Ashirgade, Assistant Government Pleader for the respondents/ State.

CORAM : A. S. CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.

DATE : JANUARY 11, 2023

The petitioner – a practicing Gynecologist has preferred this Public Interest Litigation praying that in four Government Regional Mental Hospitals – at Nagpur, Pune, Thane and Ratnagiri, the post of Medical Superintendent ought to be manned by Psychiatrist. According to the petitioner, presence of Psychiatrist as Medical Superintendent would have its own positive effect in treatment of patients taking treatment at the Mental Hospitals. Instances have been pointed out where a Pediatrician was appointed as Medical Superintendent thus frustrating the object behind the Mental Healthcare Act, 2017 (for short “the Act of 2017”). In that backdrop, it was prayed that the respondents be directed to appoint Psychiatrist as Superintendent at the Government Regional Mental Hospitals run by it.

After notice was issued in the present proceedings, an affidavit has been filed by the respondents in which it has been stated that the post of Medical Superintendent requires the incumbent to perform various duties such as health administration, purchase and procurement of medicines and material, etc. Hence, a Psychiatrist could be attached to the post of Medical Superintendent to enable both of them to function in collaboration. In paragraph 2 of the said affidavit, the duties of the Medical Superintendent have been indicated. It has been further stated that with the help of a Psychiatrist, he takes round and observes admitted patients.

We find that under the Act of 2017 and the Rules framed thereunder, there is no statutory requirement that Medical Superintendent should be a

Psychiatrist. We however note the stand taken in the aforesaid affidavit that in Mental Hospitals, Psychiatrist is attached to the Medical Superintendent and both of them together work in collaboration for the well being and betterment of the patients. By observing that such arrangement should continue in future, we find that the purpose of filing the present proceedings has been served.

The Public Interest Litigation is accordingly disposed of. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A. S. CHANDURKAR, J.)

SUMIT