

11.11.2024
Item No.27-28
RP
Ct. No.1

MAT 2041 of 2024
GFC Hospital
Vs.
The State of West Bengal & Ors.
With
MAT 2042 of 2024
+
IA No.CAN 1 of 2024
GFC Hospital
Vs.
The State of West Bengal & Anr.

Mr. Partha Pratim Roy
Mr. Sarbananda Sanyal
Mr. Dyutiman Banerjee
Mr. Samrat Chakraborty
.....For Appellant
Mr. Suman Sengupta
Mr. Amrita Panja Moulick
.....For State

1. These intra-Court appeals have been filed against the orders passed by the learned Single Bench refusing to grant any interim order in the writ petition which was filed challenging a closure notice to the appellant hospital issued by the Chief Medical Officer of Health, Pashim Medinipur. On reading of the closure notice it is seen that the appellant hospital was running without valid Fire Safety Certificate from Divisional Fire Officer, Paschim Medinipur. Apart from that, there is an allegation that they have violated the guideline of Biomedical Waste Management Rules and majority of the nursing staffs are said to be GNM Passed but they are not registered except two under WBNC and it is a violation of Manpower Norms of the West Bengal

Clinical Establishment (Registration, Regulation and Transparency) Rules, 2017. Further, it is stated that one patient ward was seen where male and female patients were admitted and no arrangement for privacy of the female patients were found. This is violation of 'Accommodation Standards' of the West Bengal Clinical Establishments (Registration, Regulation and Transparency) Rules, 2017. Therefore, the appellant hospital was directed to stop new patient admission immediately and shift of IPD patients to other nearby establishment within two days from the date of issuance of this notice.

2. Learned advocate appearing for the appellant would submit that without any opportunity of being heard the closure notice was issued as the appellant has made substantial compliance of all the alleged defects, which have been pointed out.
3. Learned advocate appearing for the State would submit that the appellant itself has admitted to the allegation and there is no error in the order passed by the authority.
4. After we have elaborately heard the learned advocates for the parties, with the consent of the parties, the writ petitions are disposed of along with these appeals. Admittedly, the appellant is a healthcare providing institution and no leniency can be granted to the appellant. So the mandatory compliance the appellant

is required to do in terms of the rules. In any event, if the appellant rectifies its defects, it will be open to the authority to conduct a surprise inspection and pass appropriate orders. We direct the appellant hospital to comply with all the defects within a period of two weeks from the date of receipt of the server copy of this order. After compliance the appellant hospital shall submit a compliance report before the authority concerned. After receipt of the compliance report, the authority concerned shall conduct a surprise inspection of the appellant/hospital and thereafter pass appropriate order on merit and in accordance with law from the date on which the surprise inspection is completed.

5. With the aforesaid direction, both the appeals and the application are disposed of.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)