



W.P(MD)No.9369 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9369 of 2024

S.R.Trust
Rep. by its Trustee,
G.Sakthi Saravanan,
Meenakshi Mission Hospital and Research Centre,
Lake Area, Melur Road,
Madurai-625 107.

... Petitioner

Vs.

- 1.The Secretary to Government,
Health and Family Welfare Department,
Fort St.George,
Chennai-600 009.
- 2.The Project Director,
Tamil Nadu Health Systems Project,
DMS Annex Building,
Teynampet,
Chennai-600006.
- 3.The Project Director (CMCHIS),
United India Insurance Company,
Kilpauk, Chennai-600010.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, to direct the respondents 1 to 3



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to pass orders on merits and in accordance with law on the representation dated 04.03.2024 (Annexure - P 26) filed by the petitioner within two weeks.

For Petitioner : Mr.K.Subramanian
Senior Counsel
for Mr.S.Venkatesh

For Respondents : Mr.N.G.A.Nataraj
Government Advocate for R1 & R2
: Mr.C.Karthick for R3

ORDER

Heard the learned Senior Counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

2. The petitioner is a public trust. It is running a well known hospital in the name and style of Meenakshi Mission Hospital and Research Centre at Madurai. The petitioner has given a representation dated 04.03.2024 requesting the first respondent to grant relaxation from enforcing Clause 8(1)(i) of the tender document. The said clause reads as follows:-

“ Private Hospitals who perform High-end procedures, must be fully accredited by NABH/JCI/GOI/NHA-AB-PMJAY (Gold-Certification) for empanelment”

3. The learned senior counsel points out that the petitioner is already



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enjoying NABH entry level accreditation. They do not have full-fledged accreditation. It is stated that if the aforesaid clause is enforced, a number of poor patients will be deprived the benefit of high end surgeries that are performed in the petition mentioned hospital. It is for this reason relaxation is sought. It is also submitted that similar relaxation has been given for similarly placed institutions.

4. Considering the submission made by the learned senior counsel, I direct the first respondent to consider the petitioner's representation dated 04.03.2024 and pass an appropriate order within a period of six weeks from the date of receipt of a copy of this order. In normal circumstances, I would grant not less than twelve weeks for the Government to take a decision. In this case, the matters concerns the welfare of poor patients and it is for this reason I am calling upon the first respondent to take a call in the matter within six weeks. I hope that the first respondent will not seek extension of time.

5. The Writ Petition is disposed of accordingly. No costs.

16.04.2024

Index : Yes / No
Internet : Yes/ No
rmi

NOTE:Issue Order Copy on 17.04.2024



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G.R.SWAMINATHAN, J.

rmi

To

- 1.The Secretary to Government,
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