

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE CHIEF JUSTICE MR. SOUMEN SEN
&
THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.**

Wednesday, the 11th day of March 2026 / 20th Phalgun, 1947
WP(C) NO. 18550 OF 2024(S)

PETITIONER:

AIIMS KASARAGOD JANAKEEYA KOOTTAYMA,
REG.NO. KSR/CA/143/2022, LIBAS BUILDING,
CHOWKI P.O, KUDLU, MOGRAL PUTHUR, KASARAGOD - 671 124.
REPRESENTED BY ITS PRESIDENT GANESHAN B ARAMANGANAM,
AGED 52, S/O NEELAMBHARI, KALANAD POST,
KASARAGOD, PIN - 671 317.

RESPONDENTS:

1. UNION OF INDIA, REPRESENTED BY JOINT SECRETARY, MINISTRY OF HEALTH AND FAMILY WELFARE, PMSSY DIVISION, NARIMAN BHAVAN, NEW DELHI, PIN - 110 001.
2. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
3. MINISTRY OF HEALTH AND FAMILY WELFARE, GOVERNMENT OF KERALA, REPRESENTED BY DIRECTOR, DIRECTORATE OF HEALTH SERVICES, GENERAL HOSPITAL JUNCTION, THIRUVANANTHAPURAM, PIN - 695 035.
4. THE SECRETARY, DEPARTMENT OF HEALTH AND FAMILY WELFARE, GOVERNMENT OF INDIA, BHAWAN, RAJPATH AREA, CENTRAL SECRETARIAT, NEW DELHI, DELHI, PIN - 110 001.
5. THE DISTRICT COLLECTOR, COLLECTORATE, CIVIL STATION, VIDYANAGAR, KASARAGOD, KERALA, PIN - 671 123.

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the 2nd and 3rd respondent to resubmit a list including Kasaragod as a potential site for the establishment of AIIMS as per criteria mentioned in Ext.P7, pending disposal of this Writ Petition.

This petition coming again on for orders upon perusing the petition and the affidavit filed in support of WP(C), this Court's order dated 25/02/2026 and upon hearing the arguments of M/S. K.K.SUBEESH & ROY THOMAS (MUVATTUPUZHA), Advocates for the petitioner, MS.O.M.SHALINA, DEPUTY SOLICITOR GENERAL OF INDIA, MR.S.BIJU, SENIOR PANEL COUNSEL & MR.C.DINESH, CENTRAL GOVERNMENT COUNSEL for R1, R3 & R4 and of MS.VINITHA B, SENIOR GOVERNMENT PLEADER for R2 & R5, the court passed the following:

P.T.O.

Soumen Sen, C.J. & Syam Kumar V.M., J.

W.P.(C) Nos.18550 and 23001 of 2024

Dated this the 11th day of March, 2026

Appearance:

For the Petitioners : Mr.Roy Thomas (Muvattupuzha)
in W.P.(C) No.18550 of 2024

Mr.P.M.Ziraj in
W.P.(C) No.23001 of 2024

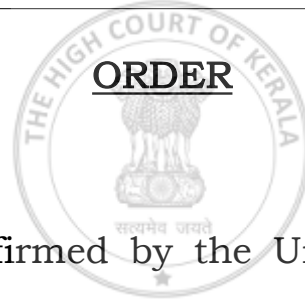
For the Respondents Ms.O.M.Shalina, DSGI
Mr. S.Biju, Senior Panel Counsel
Mr. C.Dinesh, CGC
Ms. Vinitha B., Sr.G.P.

Soumen Sen, C.J.

The affidavit affirmed by the Under Secretary in the Ministry of Health and Family Welfare, Government of India on 10.03.2026 is taken on record.

2. Ms.Ankita Mishra Bundela, Joint Secretary, Ministry of Health and Family Welfare is present through the virtual mode to assist the Court at the time of hearing of the writ petition.

3. We have heard Ms.O.M.Shalina, the learned Deputy Solicitor General of India, along with Mr.S.Biju, the



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learned Senior Panel counsel representing the Union of India.

4. It appears from the said affidavit that 22 new AIIMS have been approved by the Union Government under the Pradhan Mantri Swasthya Suraksha Yojana (PMSSY) Scheme and are being established in different States/UTs across the country. Out of the said 22 AIIMS, 18 AIIMS have already become functional, while the remaining 4 AIIMS are at various stages of construction. At present, the Ministry is focusing on the full-scale operationalisation of the recently established AIIMS and the completion of the ongoing construction of the remaining 4 AIIMS under the Scheme.

5. It is further submitted that the mode of functioning of the PMSSY Scheme, including the establishment of new AIIMS, is a matter of policy decision taken by the Union Government in consultation with various inter-ministerial stakeholders and the Ministry of Health and Family Welfare has no independent role to decide on the establishment of AIIMS in a State. Furthermore, the proposal for continuation of PMSSY

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Scheme for the next five years (FY 2026–27 to FY 2030–31) is presently at the state of inter-ministerial consultations.

6. Insofar as the State of Kerala is concerned, it is stated that under the second component of the PMSSY Scheme, and with a view to expanding and strengthening tertiary healthcare facilities in the State of Kerala, three Government Medical Colleges (GMCs) at Alappuzha, Kozhikode and Thiruvananthapuram have been upgraded through the construction of Super Specialty Blocks on a Centre-State cost-sharing basis. In addition to the above, the benefits under the Scheme have also been extended to the Sree Chitra Tirunal Institute for Medical Sciences and Technology (SCTIMST), Thiruvananthapuram, an Institution of National Importance (INI) under the Department of Science and Technology (DST), where a 170-bedded Super Specialty Block (including 80 ICU beds and 8 Operation Theatres) has been constructed.

7. In addition to the above, under the National Health Mission (NHM), the Ministry provides financial and technical support to the States/UTs to strengthen their healthcare infrastructure, based on the requirements

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projected by the States/UTs in their Programme Implementation Plans (PIPs), within their overall resource envelope. The said affidavit also disclosed the funds released so far by the Ministry of Health and Family Welfare (MoHFW) under NHM to the State of Kerala during the last five years (FY 2020-21 to FY 2024-25) amounted to approximately ₹4,137.38 crore. Moreover, under the Pradhan Mantri Ayushman Bharat Health Infrastructure Mission (PM-ABHIM), an amount of ₹53.22 crore has been released to the State of Kerala up to FY 2024-25. Thus, it is submitted that the Ministry has extended all possible support to the State of Kerala in matters falling within its jurisdiction.

8. The said affidavit admits that the Government of Kerala in June 2016 have duly identified and conveyed four locations for the purpose of setting up a new AIIMS in the State of Kerala under the Scheme and on 09.10.2025, the Hon'ble Chief Minister of Kerala submitted a memorandum to the Hon'ble Minister for Health and Family Welfare, Government of India requesting approval for the establishment of an AIIMS at Kinaloor in Kozhikode District.

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It is submitted that the establishment of AIIMS across the country under the Scheme is a continuous process and is taken up in a phased manner and it requires a policy decision by the Union Government in consultation with all the stakeholders. As the project cost for the establishment of a new AIIMS is significant, the sanction or approval of such a project is beyond the powers vested in the said Ministry.

9. In view of the aforesaid, it is contended that it is not possible for the Ministry of Health and Family Welfare to conduct a feasibility study on the proposed sites for the establishment of AIIMS. The feasibility study and other works specific to the establishment of an AIIMS at a particular location can be undertaken only after the Union Government takes a policy decision to establish an AIIMS in the concerned State.

10. The stand of the Ministry is made clear almost after ten years since the last order was passed by the Division Bench presided over by Justice Nitin Jamdar, the former Chief Justice of this court. The said affidavit, however, appears to have omitted reference to certain

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relevant communications exchanged between the State of Kerala and the concerned departments of the said Ministry with regard to the steps taken by the Government of Kerala for the establishment of an AIIMS in the State.

11. At our request, the learned DGSI appeared and submitted that the matter may be adjourned to obtain necessary instructions as to whether Cabinet approval has been received in the meantime and the criteria applied for prioritizing the establishment of AIIMS pursuant to the policy decision of the Union of India in the year 2014 and to apprise this Court of the fate of the proposal submitted by the State of Kerala with regard to the establishment of AIIMS.

12. Post on 25.03.2026.

Sd/-
Soumen Sen
Chief Justice

Sd/-
Syam Kumar V.M.
Judge

ds 11.03.2026