



2026:AHC:203350-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 39120 of 2026

Surgimed Hospital

.....Petitioner(s)

Versus

Union of India and others

.....Respondent(s)

Counsel for Petitioner(s) : Sanjay Maurya

Counsel for Respondent(s) : A.S.G.I., C.S.C., Chandan Agarwal,
Shiv Kumar Pal

Court No. - 2

HON'BLE J.J. MUNIR, J.

HON'BLE INDRAJEET SHUKLA, J.

1. Heard Mr. Sanjay Maurya, learned Counsel for the petitioner, Mr. S. K. Pal, learned Deputy Solicitor General appearing on behalf of respondent no. 1 and 2, Mr. P.K. Shahi, learned Additional Chief Standing Counsel appearing on behalf of respondent no. 3 and Mr. Raghav Arora, Advocate holding brief of Mr. Chandan Agarwal, learned Counsel appearing on behalf of respondent nos. 4, 5 and 6.

2. The petitioner-Hospital was empanelled under the State Health Agency for Comprehensive and Integrated Services (SACHIS) as part of the *Ayushman Bharat-Pradhanmantri Jan Arogya Yojna*. By the impugned order dated 19.08.2026, the petitioner-Hospital's empanelment has been struck off by the State Empanelment Committee after due opportunity. A conjoint reading of the show cause notice dated 18.06.2026 and the impugned order dated 19.08.2026 shows that the petitioner-Hospital provided two units of blood to a two months old child suffering from blood cancer on charge of a sum of Rs. 9,000/-, instead of providing the blood free under the *Ayushman Bharat-Pradhanmantri Jan Arogya Yojna*. In addition, the transfusion units were not entered by the Doctor attending on the patient at the Hospital in the Bed Head Ticket, which is mandatory in the case of a patient admitted to the Intensive Care Unit (I.C.U.).

3. It is true that the impugned order dated 19.08.2026 is not eloquent enough, but that does not detract from the substance of facts, as emerge from the record. In addition, a perusal of the impugned order also shows

that the Doctor, who appeared on behalf of the petitioner before the State Empanelment Committee, admitted to the lapses.

4. We may note that so far as the question of empanelment under the State Health Agency for Comprehensive and Integrated Services or the *Ayushman Bharat* is concerned, it does not affect the petitioner's right to practice his profession. It does not, in any way, prevent the Hospital or its Doctors from carrying on their profession and attending to patients, who come to them seeking their services. It is a position, which is akin to a particular patient choosing to opt out of the services of a particular consultant or doctor on account of any act of loss of confidence. Empanelment under the aforesaid scheme is not a justiciable right, but a privilege conferred on particular hospitals, which, of course the State must do in a non-discriminatory manner. Here, *prima facie* material has surfaced against the petitioner-Hospital showing serious shortcomings in the implementation of the scheme on their part and observing necessary protocols while offering treatment under the scheme.

5. In the circumstances, we are of opinion that no case for interference with the impugned order is made out. Accordingly, this writ petition is **dismissed**. No costs.

(Indrajeet Shukla, J.) (J.J. Munir, J.)

September 28, 2026

Deepak