HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

PUBLIC INTEREST LITIGATION (PIL) No. - 1003 of 2026

Ankur Mishr

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Medical Health And Family Welfare Lko. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Prashant Tiwari
Counsel for Respondent(s)	:	C.S.C., Puneet Chandra

Court No. - 1

HON'BLE RAJAN ROY, J.
HON'BLE MANJIVE SHUKLA, J.

Supplementary affidavit filed today is taken on record.

Heard.

An objection has been raised by Sri Puneet Chandra, learned counsel for National Health Mission that the reliefs prayed in the writ petition pertain to service condition of doctors, therefore, the P.I.L. is not maintainable. The argument has been made only to be rejected. Probably the subject matter and purport of the writ petition has not been appropriately understood. If there are rules pertaining to government doctors prohibiting private practice and on account of indulgence of such government doctors in private practice, the larger public interest is affected then certainly a PIL would be maintainable. The question which the National Health Mission should have asked itself firstly is whether the malpractice exists and if so, who is responsible for curing it rather than raising such a technical objection which in any case is unfounded in law. Moreover, the State does not oppose the PIL on the said ground, fairly so.

Considering the facts averred in the writ petition and the documents annexed, let the Director General, Medical Health & Family Welfare, Government of U.P., Lucknow look into the matter take all appropriate steps for preventing practice by government doctors in violation of the Uttar Pradesh Government Doctors (Allopathic) Restriction on Private Practice Rules, 1983 (in short 'the Rules, 1983').

At this stage, Sri Badrish Tripathi, learned Addl. C.S.C. appearing for the State says that in 2025, some disciplinary proceedings were initiated against such doctors and some were suspended. If it is so then the result of such disciplinary proceedings be brought on record. Moreover, this has to be a continuing exercise to monitor implementation of Rule 3 of the Rules, 1983 and not as one of incident. Let such an exercise be conducted by opposite party no.2 in District-Balrampur.

We have gone through the supplementary affidavit filed today, para nos.3 and 4 of which read as under:-

"3. That it is respectfully submitted that an incident involving the death of Ranjeet Saini, a resident of District Balrampur, wherein his health suddenly deteriorated while in police custody. Thereafter, instead of ensuring immediate and proper medical treatment, he was allegedly locked in a room at the government hospital. Despite his repeated cries for help, no medical attention was allegedly provided, resulting in his death within a few hours. The photographs of the incident as well as the newspaper cutting are collectively annexed herewith as ANNEXURE NO.SA1.

4. The incident raises serious questions regarding the conduct of the police personnel as well as the negligence of the hospital authorities. Two police personnel, namely Ramesh and Devashish Mishra, were reportedly suspended in connection with the incident. However, as per the knowledge of the petitioner no action or inquiry has been done by the health department against its staff and officials. "

The opposite party no.2 shall specifically get an inquiry conducted about the said incident in the light of the allegation made that the patient was locked at Community Health Centre, Tulsipur, Balrampur and he died as there was no doctor available in the said centre and submit a report by the next date. The aforesaid inquiries would be in the nature of fact finding inquiry and if based thereon any illegalities are found then obviously further action would have to be referred to the competent authority.

List on **21.12.2026.**

(Manjive Shukla,J.) (Rajan Roy,J.)

November 5, 2026
Shanu/-

Digitally signed by :-
SHANU SUMAN
High Court of Judicature at Allahabad,
Lucknow Bench