IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (PIL) No. 2419 of 2022

Nishikant Dubey, aged about 53 years, son of Sri Radheshyam Dubey, residing at Shivdham, Opp. B.Ed. College, Willams Town, P.O. & P.S.- Deoghar Town, Dist- Deoghar, Jharkhand; presently Member of Parliament, Godda Lok Sabha Constituency, Godda, Jharkhand

... Petitioner

Versus

1. Union of India, through the Secretary, Ministry of Health and Family Welfare, Govt. of India, having office at North Block, POPS- New Delhi, District- New Delhi;
2. Director, 'Pradhan Mantri Swasthya Suraksha Yojna (PMSSY)', Ministry of Health and Family Welfare, Govt. of India, having office at North Block, PO + PS- New Delhi, District- New Delhi;
3. Executive Director & C.E.O. All India Institute of Medical Sciences, Deoghar, PO+PS+ Dist- Deoghar, Jharkhand;
4. State of Jharkhand, through the Chief Secretary, Government of Jharkhand, Project Bhawan, PO & PS- Dhurwa, Dist- Ranchi, Jharkhand.
5. Additional Chief Secretary, Department of Health, Medical Education and Family Welfare, Government of Jharkhand, Ground Floor, Nepal House, PO & PS- Doranda, Dist- Ranchi, Jharkhand.
6. Additional Chief Secretary, Department of Revenue, Registration and Land Reforms, Project Bhawan, PO & PS- Dhurwa, Dist- Ranchi, Jharkhand.
7. Principal Secretary, Drinking Water & Sanitation Department, Nepal House, PO & PS- Doranda, Dist- Ranchi, Jharkhand
8. Principal Secretary, Department of Energy, SBI Building, Project Bhawan, PO & PS- Dhurwa, Dist- Ranchi, Jharkhand.
9. Secretary, Department of Road Construction, Project Bhawan, PO & PS- Dhurwa, Dist- Ranchi, Jharkhand.
10. Director General-cum-Inspector General of Police, Jharkhand, Ranchi, Police Head Quarter, P.O: & P.S: Dhurwa, Dist: Ranchi, Jharkhand;
11. Additional Director General of Police (Home Guard & Fire Services), Rajendra Chowk, PO & PS- Doranda, Dist- Ranchi, Jharkhand

12. Deputy Commissioner, Deoghar, PO, PS & Dist- Deoghar, Jharkhand
13. Municipal Commissioner, Deoghar, PO, PS & Dist- Deoghar, Jharkhand
14. Jharkhand Bijli Vitran Nigam Ltd, through it Managing Director, having office at Engineering Building, H.E.C., PO & PS- Dhurwa, Dist-Ranchi, Jharkhand
15. The Director, AIIMS, Deoghar.

... Respondents

WITH

W.P. (PIL) No. 4199 of 2022

Court on its Own Motion

Versus

1. State of Jharkhand
2. Home Secretary, Government of Jharkhand, Ranchi
3. Director General of Police, Government of Jharkhand, Ranchi
4. The Director, AIIMS, Deoghar

… … … ... Respondents

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MANOJ PRASAD

For the Petitioner: Mr Diwakar Upadhayay, Advocate
For the UOI: Mr Prashant Kumar Singh, D.S.G.I.
Mr Karbir, A.C. to D.S.G.I.
For the State: Mr Vibhor Mayank, A.C. to A.G.
For the JBVNL: Mr Mohan Kumar Dubey, Standing Counsel
Mr Utpal Kant, A.C. to S.C.-JBVNL
For Resp. No.13: Mr Vijay Shanker Jha, Advocate

39/Dated: 05.11.2026

***Per* M. S. Sonak, C.J.**

1. Heard Mr Diwakar Upadhyay for the petitioner and Mr Vibhor Mayank, the learned A.C. to A.G., for the State.

2. This Public Interest Litigation was instituted to seek appropriate directions to the respondents to make All India Institute of Medical Sciences (AIIMS), Deoghar fully functional and operational, to

ensure the availability of quality tertiary health care facilities to the people of the State of Jharkhand. It cannot be gainsaid that the Hon'ble Supreme Court has consistently recognised access to hospital facilities and timely medical care as an integral facet of the right to life under Article 21 of the Constitution of India.

3. In **Paschim Banga Khet Mazdoor Samity v. State of West Bengal, (1996) 4 SCC 37**, the Hon'ble Supreme Court held that providing adequate medical facilities is an essential part of the obligations undertaken by the Government in a welfare State. The Court further observed that a lack of beds or other facilities, and constraints on financial resources, cannot be pleaded as justification for denying emergency medical care.

4. Earlier, in **Pt. Parmanand Katara v. Union of India, (1989) 4 SCC 286**, it was held that the preservation of human life is of paramount importance and that Article 21 imposes an obligation on the State to preserve life. The right to health and medical care was thereafter held to be a fundamental right under Article 21 in **Consumer Education and Research Centre v. Union of India, (1995) 3 SCC 42**, and this position was reiterated in **State of Punjab v. Mohinder Singh Chawla, (1997) 2 SCC 83.**

5. These pronouncements make it clear that the effective functioning of tertiary care institutions, such as the AIIMS Deoghar Facility, is not merely an administrative matter but is intrinsically linked to the fulfilment of the State's constitutional obligation under Article 21.

Delay in making such an institution fully functional directly affects citizens' ability to access timely, specialised medical care.

6. Several issues were raised in these petitions, but finally, the following main issues are required to be considered: -

(A) Uninterrupted electricity supply to the AIIMS Deoghar Facility,

(B) Establishment of a Kendriya Vidyalaya/Central School,

(C) Direct water supply from Punasi Dam to the AIIMS Deoghar Facility,

(D) Fire safety issues,

(E) Land issues and removal of encroachments upon the lands,

(F) Construction of a Railway Over Bridge,

(G) NOC for Petroleum Class B HSD Storage Tank to operate DG Sets at the AIIMS Deoghar Facility.

7. From time to time, this Court has made several orders in this matter. The respondents have also filed counter affidavits and supplementary counter affidavits in these matters.

8. The State Government has filed a supplementary counter-affidavit dated 16.02.2026, on its behalf, by Sri Amar Prasad, DLAO, Deoghar. The affidavit states that the deponent is well acquainted with all the facts and circumstances of the case and that he has been duly authorised by the answering respondents to swear this affidavit. The affidavit addresses the main issues raised in these

petitions, and therefore, we propose to refer to this supplementary counter-affidavit filed on behalf of the State Government by Sri Amar Prasad, DLAO, Deoghar, as under:-

(A) Uninterrupted electricity supply to the AIIMS Deoghar Facility:

9. On the above issue, the petitioner has contended that the facility is presently dependent upon electricity supply from Jharkhand Bijli Vitran Nigam Limited (JBVNL). The petitioner has pointed out several problems with this electricity supply. Such electricity supply is neither uninterrupted nor adequate. As a result, the Hospital faces severe power cuts, low voltage fluctuations, interruptions, etc. The AIIMS Facility must then rely heavily on diesel generator sets for essential operations, including Critical Care Units, Diagnostic Equipment, and Life-Saving Devices. The petitioner has contended that a dedicated 132/33 KV Grid Sub-Station is essential to ensure uninterrupted electricity supply to the AIIMS Facility.

10. Paragraph 5 of the supplementary counter affidavit filed on behalf of the State Government addresses the issue of uninterrupted power supply. The contents of paragraph 5 are transcribed for the convenience of reference: -

> *5. That with regard to the electricity supply in AIIMS, Deoghar it is respectfully stated that the Electricity Executive Engineer, Electricity Supply Division, JBVNL, vide letter no. 260 dated 11.02.2026, has reported that the uninterrupted electricity is being supplied through a dedicated 33 KV Feeder by JBVNL. Further, with regard to the construction of 132/33KV Grid Sub-*

Station the Senior Manager, Transmission Division, Deoghar - I, in its report vide letter no 49/SM, TD, Deoghar -I dated 07.02.2026, has provided a detailed break-up of different components of the project and their completion stages, indicating that substantial progress has been made in the construction of the 132/33 KV Grid Sub-Station."

11. From the aforesaid, it appears that the State has already commenced the construction and establishment of the 132/33 KV Grid Sub-Station, which would go a long way in providing uninterrupted electricity supply to the AIIMS Deoghar Facility. The affidavit states that substantial progress has been made towards such construction and establishment. In addition, paragraph 5 of the affidavit states that JBVNL is already supplying uninterrupted electricity to the AIIMS Facility at Deoghar via a dedicated 33 kV feeder.

12. The petitioner has pointed out that such supply is neither uninterrupted nor adequate. The petitioner had contended that a dedicated 132/33 KV Grid Sub-Station is essential to ensure an uninterrupted electricity supply to the AIIMS Facility at Deoghar.

13. Now that the State Government intends to install and operationalise a Dedicated 132/33 KV Grid Sub-Station, we propose to issue directions to the State Government to ensure that the sub-station is installed and operationalised as expeditiously as possible and, in any event, within six months of today.

14. In the supplementary counter affidavit filed on 16.02.2026, since it is stated that the work on the construction and establishment of the 132/33 KV Grid Sub-Station has substantially progressed, we expected that this work should have been completed by now. But there is no clarity on this issue.

15. **In any event, if the construction and establishment of the 132/33 KV Grid Sub-Station is not yet complete, we direct the concerned respondents to ensure that this work is completed as expeditiously as possible and, in any event, within six months from today. This means that, within a maximum period of six months from today, the construction of the 132/33 KV Grid Sub-Station, which would go a long way towards providing an uninterrupted electricity supply to the AIIMS Deoghar Facility, must be completed and made operational. Accordingly, this direction is issued to the concerned respondents.**

(B) Establishment of a Kendriya Vidyalaya/Central School:-

16. Paragraphs 10 and 11 of the supplementary counter affidavit dated 16.02.2026 address the construction of a new Kendriya Vidyalaya. Paragraph 11 of the supplementary counter affidavit refers to the establishment, operationalisation, and temporary functioning of a Kendriya Vidyalaya on the Girls' Hostel Premises at Mauza Ramudih, Devipur Zone, on the property adjacent to the AIIMS Deoghar Facility.

17. A temporary facility for a Kendriya Vidyalaya or a Central School is insufficient. The petitioner has pointed out that specialist and

qualified doctors are reluctant to work at AIIMS Deoghar because of the lack of quality educational facilities for their children in the vicinity.

18. The supplementary counter-affidavit filed on behalf of the State Government indicates that even the State is not averse to establishing a full-fledged Kendriya Vidyalaya/Central School, which the Central Government authorities will ultimately have to establish. The affidavit states that land has been earmarked for constructing a new Kendriya Vidyalaya.

19. However, it appears that this land, or a portion thereof, has been encroached upon. The supplementary counter-affidavit states that proceedings have already been initiated against the encroachers and that such proceedings will be taken to their logical conclusion expeditiously.

20. **Accordingly, the State Government authorities must expedite the proceedings against encroachers and ensure that the earmarked land is made available to the Central Government for the construction of a new Kendriya Vidyalaya in the vicinity of the AIIMS Deoghar Facility. This exercise must be completed as expeditiously as possible, preferably within six months from today. In completing this exercise, all legal procedures and principles of natural justice must be observed. We direct accordingly.**

21. **Once the earmarked land is handed over to the Central Government/Education Department of the State Government,**

the Central Government is directed to take all necessary steps to establish a new Kendriya Vidyalaya as expeditiously as possible, preferably within two years of the State Government making the land available to the Central Government. We direct accordingly.

(C) Direct water supply from Punasi Dam to the AIIMS Deoghar Facility : -

22. The third major issue concerns direct water supply from the Punasi Dam to the AIIMS Deoghar Facility for its present and future needs.

23. Regarding this issue of direct and uninterrupted water supply to the AIIMS Facility at Deoghar, paragraph 7 of the supplementary counter affidavit filed on 16.02.2026 reads as follows: -

> *"7. That with regard to the uninterrupted water supply in AIIMS, Deoghar it is most humbly and respectfully stated and submitted that the same is being supplied to AIIMS, Deoghar. Executive Engineer, PHED, Deoghar, vide letter no. 120 dated 27.01.2026, has reported that the present water requirement of AIIMS, Deoghar, is being met from the Patro River under the Devipur multi-village water supply scheme, with a maximum provision of 3 million litres per day (MLD). Further, with regarding to the alternative arrangement for water supply from Punasi Dam, the EE, PHED, Deoghar vide letter no. 120 dated 27.01.2026, he has requested the Chief Engineer (CDO), PHED, Jharkhand, Ranchi, for the appointment of a consultant to prepare the DPR for securing additional water supply from Punasi Dam. Furthermore, the Executive Engineer, PHED, Deoghar, vide letter no. 221*

dated 09.02.2026, has requested NOC for the formulation and construction of a water supply project with a capacity of 1.8 million cubic meters (MCM).”

24. From the above-quoted paragraph, it is evident that, though the State is agreeable to a facility for direct water supply from Punasi Dam to the AIIMS Deoghar Facility, no significant steps have been taken in that regard. In terms of the affidavit, the matter is at the stage of appointing a consultant to prepare a DPR and to complete other paperwork.

25. The affidavit states that water is presently being supplied to AIIMS Deoghar from the Patro River under the Devipur Multi Village Water Supply scheme. It further states that there is provision for the supply of 3 million litres of water per day.

26. The respondents must realise that uninterrupted water and electricity supplies are vital to the effective functioning of the AIIMS Deoghar Facility. Therefore, all necessary steps must be taken expeditiously to ensure these twin aspects if the AIIMS Deoghar Facility is to function at its optimum.

27. According to us, once it is accepted in principle that a facility for direct water supply from the Punasi Dam is necessary, at least for the future needs of the AIIMS Facility at Deoghar, the State Government is expected to expedite its paperwork and processes so that this project is established and operationalised at the earliest.

28. While it is difficult at this stage to provide a fixed timeline, we direct the State Government to take expeditious steps and to file

a compliance report with this Court within six months indicating the status of this project. We direct accordingly.

(D) Fire Safety Issue:-

29. The next issue relates to fire safety at the AIIMS Deoghar Facility.

30. The petitioner has submitted that the AIIMS Deoghar has some high-rise buildings, including those up to the 24th floor. He pointed out that the present facilities, including normal fire tenders, can reasonably access up to the 5th/6th floor but not beyond.

31. The petitioner has therefore urged that the State Government should provide and maintain fire tenders which can deal with fire incidents on higher floors.

32. The petitioner has pointed out that on 13.04.2023 a massive fire broke out at the AIIMS Deoghar Facility, and considerable time and effort were required to deal with and extinguish it. Fortunately, since the Hospital was not functional at that time, there was no loss of life. However, there was damage to property, and in any event this fire should have served as a warning to the authorities to remain prepared to deal with such eventualities so that a fire disaster is averted.

33. This issue of fire safety is dealt with in paragraph 8 of the supplementary counter affidavit dated 16.02.2026. Paragraph 8 reads as follows: -

> *"8. That with regard to the Fire safety arrangements in AIIMS, Deoghar it is most humbly and respectfully stated and submitted that the District Fire Officer, Deoghar vide its letter no.*

84/46/2026 dated 07.02.2026 has reported that a large fire-fighting vehicle namely a "Water Buzzer" along with fire safety personnel is available in the premises. Furthermore, with regard to the procurement of aerial fire platform, the Deputy Commissioner, Deoghar vide its letter no. 161/legal dated 06.02.2026 has sought the report from Additional State Fire officer in charge, Jharkhand, Ranchi to provide the detailed report with respect to the tender process of the procurement of aerial fire platform (two of 60-meter height and one of 42-meter height).”

34. On perusal of paragraph 8 of the affidavit, we again find that State Government authorities are only engaging in inter-departmental correspondence. However, it does not appear that any concrete steps have been taken to procure any aerial fire platform or advanced fire tenders to deal with fire disasters. No doubt, the supplementary counter-affidavit states that a large fire-fighting vehicle, namely a Water Bowser, together with fire safety personnel to operate it, is available at the AIIMS Deoghar Facility.

35. Fire safety is vital and must not be neglected. No authority can wait for a fire incident and then offer knee-jerk solutions. Therefore, fire safety issues must be addressed as a top priority. A fire audit must be conducted periodically, and any shortcomings must be addressed on priority. No compromises or cutting of corners are acceptable.

36. **Since the affidavit states that steps are being taken to address fire safety issues, the State Government must expedite these steps and file a compliance report within six months of today,**

explaining the status of fire safety at the AIIMS Facility at Deoghar. We direct accordingly.

(E) Land issues and removal of encroachments upon the lands:-

37. The petitioner has contended that, of the 237 acres of land earmarked and even allotted to the AIIMS Deoghar Facility, possession of only 217 acres has been handed over to AIIMS Deoghar. This means that possession of almost 20 acres of land remains to be handed over to the AIIMS Deoghar Facility.

38. The above issue has not been addressed in the supplementary counter affidavit dated 16.02.2026. Mr Vibhor Mayank, however, submitted that some portion of the land has been encroached upon and that proceedings have already been initiated against such encroachers. He submitted that all necessary steps would be taken to ensure that these proceedings are brought to their logical conclusions expeditiously.

39. Again, we direct the State Government authorities to file a proper affidavit explaining the status of such proceedings against encroachers on the lands allotted or to be allotted to the AIIMS Deoghar Facility. The affidavit must clearly state the extent of encroachments, the steps initiated to remove them, and the status of such proceedings.

40. Such an affidavit must be filed within six months of today, and in the meantime the State Government must continue its action against encroachers, no doubt in accordance with the law. We direct accordingly.

(F) Construction of a Railway Over Bridge:-

41. The next issue concerns the construction of the Railway Over Bridge near the AIIMS Deoghar Facility. It is noted that construction has already commenced, but this is causing severe traffic congestion, particularly during peak hours. Therefore, directions are necessary to ensure the expeditious completion and operationalisation of this Railway Over Bridge.

42. The supplementary counter affidavit filed on behalf of the State Government states that the project was to be completed by March 2026. Mr Vibhor Mayank states that the project must now be completed.

43. If the project is not yet complete, we direct the State Government authorities to ensure that it is completed within three months of today and to file a compliance report after providing the amicus curiae with an advance copy.

(G) NOC for Petroleum Class B HSD Storage Tank to operate DG Sets at the AIIMS Deoghar Facility: -

44. The matter of securing an 'N.O.C.' for the Petroleum Class B HSD Tank to operate DG Sets at the AIIMS Deoghar Facility is addressed in paragraph 6 of the supplementary counter affidavit dated 16.02.2026.

45. Paragraph 6 is reproduced below for ease of reference:

> *"6. That with regard to the NOC for petroleum class B HSD tank to run DG set, it is most humbly and respectfully stated and submitted that the Deputy Commissioner, vide NOC no. 01/2025, memo no. 08*

dated 16.01.2025 has provided a No Objection Certificate for the construction of a tank for HSD storage and self-consumption. The process for the transfer of land is underway as the request has been made vide letter no. 980 dated 21.08.2025 to the Additional Chief Secretary, Department of Health, Jharkhand, for making departmental requisition for transfer of the said land."

46. Again, we note that on this issue the respondents have only undertaken inter-departmental correspondence. However, once it is accepted that this issue needs to be sorted out, we expect the State Government to take expeditious steps towards securing this N.O.C. Compliance report in this regard must be filed within six months from today. By then, we expect the State Government to sort out this issue.

47. The purpose of public interest litigation is to activate the Executive to take expeditious steps to redress a grievance with a public element. This purpose has been substantially achieved. This is because some issues have been sorted out, and on most of the remaining issues, the State Government authorities are taking steps towards redressal.

48. Now that the State Government authorities are aware of the situation and are taking steps to address the various issues, there is no point in keeping these public interest litigations pending. Instead, we direct the State Government authorities to file a comprehensive compliance report detailing progress, after furnishing an advance copy to the learned counsel for the petitioner.

Such a compliance report must be filed and served on or before 7th May 2027.

Disposal of the petition and acknowledgements.

49. Though we are disposing of these petitions by issuing the above directions, we place these matters for orders on 13.05.2027 to consider the compliance report.

50. Before concluding, we appreciate the reasonable approach of the petitioner and the State Government authorities in addressing the issues raised in these petitions. The AIIMS Deoghar Facility, apart from being a prestigious institution insofar as the State of Jharkhand is concerned, has been established to provide tertiary health care facilities to the people of the State of Jharkhand.

51. The petitioner and the State Government authorities did not approach the issues raised in these petitions from an adversarial perspective. Rather, the object was to find solutions and to redress the shortfalls. In this regard, we record our appreciation of the approach of the petitioner and the State Government authorities. We also appreciate the approach of learned counsel for the parties and the amicus curiae in these matters.

52. The petitions are disposed of with the above directions but without any order for costs. All concerned must act on an authenticated copy of this order.

53. **However, notwithstanding the disposal of these petitions, place these matters for orders 'High on Board' on 13th of May 2027 to**

consider the compliance report on behalf of the State Government authorities.

54. Pending IAs were not pressed and, in any event, will not survive. Accordingly, they are disposed of, if not already disposed of earlier.

(M. S. Sonak, C.J.)

(Manoj Prasad, J.)

November 05, 2026

A.F.R.

M.Kr./Sharda/Cp.2

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