



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 4<sup>TH</sup> DAY OF SEPTEMBER 2023 / 13TH BHADRA, 1945

WP(C) NO. 28905 OF 2023

PETITIONER/S:

- 1 ADV. RICHARD RAJESH KUMAR,  
AGED 26 YEARS  
PADAMATTUMMAL HOUSE, CHERAI PO., ERNAKULAM-683514
  - 2 ARJUN.P.BHASKAR,  
AGED 25 YEARS  
ANGEL'S GARDEN, COMAPANYPADI ROAD, NEAR  
POICKATTUSERY LP SCHOOL, CHENGAMANAD PO.,  
NEDUMBASSERY, KOCHI, PIN - 683578
- BY ADVS.  
SUNIL JACOB JOSE  
SAYIPRIYA S.

RESPONDENT/S:

- 1 UNION OF INDIA, REPRESENTED BY ITS SECRETARY,  
MINISTRY OF HEALTH & FAMILY WELFARE  
NIRMAN BHAWAN, NEW DELHI, PIN - 110011
- 2 STATE OF KERALA REPRESENTED BY ITS CHIEF  
SECRETARY,  
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
- 3 THE ADDITIONAL CHIEF SECRETARY TO THE GOVERNMENT,  
HEALTH & FAMILY WELFARE DEPARTMENT,  
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001

OTHER PRESENT:

DSGI S. MANU; SR.GP. K.P.HARISH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR  
ADMISSION ON 04.09.2023, THE COURT ON THE SAME DAY  
DELIVERED THE FOLLOWING:



## **J U D G M E N T**

Dated this the 4<sup>th</sup> day of September, 2023

A. J. Desai, C. J.

By way of the present writ petition filed in the nature of public interest under Article 226 of the Constitution of India, the petitioners have sought for the following reliefs:-

“i. Call for the records leading to submission of Exts. P1 & P2;

ii. Issue a writ of mandamus any other appropriate writ or order compelling the respondents 1 & 2 to establish All India Institute Medical Sciences (AIIMS) in Kerala at the location identified at Kochi, within a time frame to be fixed by this Hon’ble Court;

iii. Direct respondent No.1 to consider including establishment of AIIMS in the current phase of PMSSY and pass appropriate orders to that effect, on early date;

iv. Direct respondent No.2 to consider the suggestions in Ext. P1 and propose establishment of AIIMS in the land at Kochi in view of the outweighing merits of the location;

v. Direct the respondent No.2 to re-consider Ext. P1



representation and pass appropriate and considered orders thereon, within a time frame to be fixed by this Hon'ble Court, in the interest of justice;

vi. Direct the respondent No.1 to consider Ext. P2 representation and pass appropriate orders thereon, within a time frame to be fixed by this Hon'ble Court, in the interest of justice.”

2. It appears from Ext. P3 proceedings dated 21.07.2023 issued by the Ministry of Health and Family Welfare, Government of India, that the said Ministry has not approved the proposal for establishment of AIIMS in the State of Kerala in the current phase of Pradhan Mantri Swasthya Suraksha Yojana (PMSSY). However, the Government of India has taken up the upgradation of four Government Medical Colleges located in the State of Kerala, by way of construction of Super Speciality Blocks.

3. It is the grievance of the petitioners that the Government of India ought to establish AIIMS at Kochi instead of Kozhikode. On a query put to the learned Advocate for the petitioners, he submitted that after the issuance of proceedings dated 21.07.2023,



no representation/request has been made by the petitioners, seeking the establishment of AIIMS at Kochi.

4. Considering the above fact, we dispose of this writ petition with the following observations:-

It would be open for the petitioners to make a representation to the concerned authority for establishing AIIMS at Kochi. If such representation is made, the respondent authority shall consider the same, at the earliest, and the decision of the authority shall be forwarded to the petitioners.

**Sd/-  
A. J. DESAI  
CHIEF JUSTICE**

**Sd/-  
V. G. ARUN  
JUDGE**



APPENDIX OF WP(C) 28905/2023

**PETITIONER EXHIBITS**

- EXHIBIT P1** TRUE COPY OF THE REPRESENTATION DATED 29/5/2023 OF PETITIONERS 1 & 2 BEFORE THE 2ND RESPONDENT THROUGH THE HON'BLE CHIEF MINISTER OF KERALA
- EXHIBIT P2** TRUE COPY OF THE REPRESENTATION DATED 5/7/2023 OF THE 1ST PETITIONER ALONG WITH ANOTHER PERSON, FILED BEFORE THE 1ST RESPONDENT THROUGH THE HON'BLE UNION MINISTER FOR HEALTH & FAMILY WELFARE, GOVERNMENT OF INDIA
- EXHIBIT P3** TRUE COPY OF THE QUESTION AND THE ANSWER DATED 21/7/2023 PROVIDED IN THE PARLIAMENT
- EXHIBIT P4** TRUE COPY OF THE QUESTION AND THE ANSWER DATED 25/7/2023 PROVIDED IN THE PARLIAMENT