

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (PIL) No. 2377 of 2021

Court on its own motion

Versus

The State of Jharkhand

...

Respondent

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the State : Mr. Piyush Chitresh, A.C. to A.G.

For the JHALSA : Mr. Kumar Vaibhav, Advocate.

For the RIMS : Dr. Ashok Kumar Singh, Advocate

ORAL ORDER

07/Dated 21st January, 2022

The matter has been taken up through video conferencing.

2. Reference may be made to order dated 7th January, 2022.

3. In pursuance thereto, supplementary counter affidavits have been filed by the Director, RIMS as also by the Secretary, Department of Health, Medical Education and Family Welfare, Government of Jharkhand.

4. We have heard Mr. Piyush Chitresh, learned A.C. to Advocate General for the respondents-State of Jharkhand and Dr. Ashok Kumar Singh, learned counsel for the respondents-RIMS.

5. It has been submitted by learned counsel for the respondents-RIMS, referring to the supplementary counter affidavit dated 20.01.2022 filed on behalf of Director, RIMS, that for the alleged negligence in treatment of Late Usha

Devi, enquiry was conducted by an in-house committee chaired by Director, RIMS against the erring doctors on 25.08.2021. The in-house committee submitted enquiry report, basis upon which show cause notice was served upon the delinquent doctors, who submitted reply but the same was not found satisfactory and as such decision was taken to initiate departmental proceeding against the said erring doctors.

In contemplation of departmental proceeding, memorandum of charge has been framed against the delinquent doctors. Dr. R.G. Baxla, Prof. & Head, Department of Surgery was appointed as Conducting Officer and Office Superintendent was appointed as Presenting Officer. However, Dr. R.G. Baxla, Prof. & Head, Department of Surgery refused to discharge duty as Conducting Officer on the ground that he is junior in hierarchy to one of the delinquent doctors, namely, Prof. (Dr.) Usha Suwlaka. Therefore, Dr. Marshal Aind, Director-in-Chief, Health Services, Government of Jharkhand has been made Conducting Officer for the said departmental proceeding. It has further been submitted that Sri Manish Choudhary has been appointed Presenting Officer for the said departmental proceeding.

During course of hearing, this Court put a specific query as to under which Rule, Dr. Marshal Aind, Director-in-Chief, Health Services, Government of Jharkhand, the

officer outside the cadre of RIMS, has been appointed Conducting Officer.

Upon this, Dr. Ashok Kumar Singh, learned counsel for the respondents-RIMS has sought for a week's time to seek instruction and apprise this Court by going through the relevant Discipline and Conduct Rules applicable to the doctors working under RIMS.

6. Mr. Piyush Chitresh, learned associate counsel to Advocate General, by referring to the supplementary affidavit filed on behalf of Department of Health, Medical Education and Family Welfare, Government of Jharkhand, has submitted that in total 28 Government and Private Hospitals have been equipped with E.N.T. doctors for providing medical treatment of patients of 'Black Fungus', as would be evident from Annexure B to the supplementary counter affidavit.

On the query made by this Court as to what method has been adopted to monitor the functioning of private hospitals, which have been authorized to deal with the patients of 'Black Fungus', learned counsel for the State has sought for time to seek instruction and apprise this Court on the matter.

7. This Court, after having heard the learned counsel for the parties, deems it fit and proper to adjourn the matter for a week so that the queries made by this Court,

as above, be replied by the respondents-RIMS and the State, by way of affidavit.

8. Let this matter be listed on 04.02.2022.

(Dr. Ravi Ranjan, C.J.)

(Sujit Narayan Prasad, J.)

Alankar/-