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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION***

PUBLIC INTEREST LITIGATION NO. 9 OF 2018

Adil Khatri ... Petitioner.

V/s.

State of Maharashtra and Anr. ... Respondents.

Mr. Syed Shehzad Abbas Naqvi for the Petitioner.

Ms. P.H. Kantharia, GP a/w. Ms. Deepali Patankar, AGP for State –
Respondent No.1.

Mr. Dushyant Kumar a/w. Ms. K.H. Mastakar for Respondent 2 -
MCGM.

***CORAM : PRADEEP NANDRAJOG, C.J. &
N.M. JAMDAR, J.***

DATE : 20 JUNE 2019.

P.C. :-

With reference to newspaper report and a personal visit at Mortuaries, the Writ Petition has been filed by a practicing Advocate of this Court praying that mandamus be issued directing that whenever post-mortem of the dead body of a female is

conducted, it should be in the presence of a qualified female staff and that only qualified forensic expert should conduct post-mortem of dead bodies. No direction can be issued regarding presence of female staff for the reason the staffing pattern in Mortuaries may be insufficient and adequate number of female staff may not be available.

2. As regards presence of forensic expert during post-mortem, the Petitioner's personal experience and newspaper reports suggest that Class IV Safai Karmachari reopen the dead bodies and virtually conduct the post-mortem with Doctors merely appending their signature on the post-mortem. While it may be true that Class IV staff would be present when post-mortem is conducted, but that has to be by way of an ancillary service. The post-mortem has to be conducted by a forensic expert. The Government Pleader also does not dispute that a qualified forensic expert alone can conduct post-mortem of dead bodies.

3. It is necessary to introduce a system to ensure that forensic expert to attend the post-mortem and not delegate the work

to Class IV staff. How this can be ensured ? The learned Counsel for the Petitioner gives no suggestions. The learned Government Pleader informs that most of the Mortuaries maintain a physical register. We are of the opinion that way to monitor the attendance effectively is by the use of a biometric system. Biometric to mark the attendance is now commonly used in various Government Establishments. There is no reason why a biometric system is also not introduced at the Mortuaries. Wherever biometric equipments are not installed in the State of Maharashtra, steps will have to be taken to install the same.

4. Mandamus therefore is issued to the 1st Respondent to issue directions within two weeks from today to Heads of all Mortuaries in the State of Maharashtra that biometric as contemplated by the present order is maintained and entries made therein. The directive would be to the Head of the Mortuaries to ensure compliance with the record.

N.M. JAMDAR, J.

CHIEF JUSTICE