

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

SUO MOTU PUBLIC INTEREST LITIGATION NO. 4/2020

(Court on its own motion vs Union of India)

WITH

WRIT PETITION (ST) NO. 8050/2020

(Viveka Super Speciality Hospital & Research Center Pvt. Ltd. vs State of Maharashtra)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

SMPIL No. 4/2020

Shri S.P. Bhandarkar, Advocate (Amicus Curiae)

Shri U.M. Aurangabadkar, ASGI for Respondent no. 1

Shri S.M. Puranik, Advocate for the respondent no. 4

Shri D.P. Thakare, Addl. GP for the respondent nos. 2, 5, 6, 8 and 9

Shri B.G. Kulkarni, Advocate for Indian Medical Association

WP (ST) No. 8050/2020

Shri S.P. Dharmadhikari, Senior Advocate a/b Shri K.N. Shukul, Adv. For petitioner

Shri A.S. Fulzele, Addl. GP for respondent nos. 1 and 3

Shri J.B. Kasat, Advocate for respondent no. 2

Shri U.M. Aurangabadkar, ASGI for respondent no. 4

CORAM : R.K. DESHPANDE &

PUSHPA V. GANEDIWALA, JJ.

DATED : 17/09/2020

1] In the last order dated 15/09/2020, we directed the State Government to take decision on the proposal dated 19/08/2020 submitted by the office of the Divisional Commissioner for creation of infrastructural facilities for 1000 beds at Mankapur stadium. Accordingly, an order dated 16/09/2020 passed by the Secretary, Disaster Management, Revenue and Forest Department is placed on record and marked as 'X' for identification. We are assured by the learned Additional Government Pleader representing the Divisional Commissioner, Nagpur and Shri Puranik, learned counsel representing the Municipal Commissioner, Nagpur that

appropriate steps shall immediately be taken in accordance with the order passed by the State Government. We direct the Divisional Commissioner as well as the Municipal Commissioner to place on record the detailed plan in respect of creation of this facility within a period of two weeks from today and also to start working on it even before the placement of such plan before this Court.

2] In para no. 6 of the order dated 15/09/2020, we directed the Hospitals and Nursing Colleges covered by letter dated 09/09/2020 issued by the Collector to take immediate steps to provide a list of para-medical staff. Accordingly, the learned Additional Government Pleader makes a statement before us, after taking instructions from the Collector, that the said Hospitals and Nursing Colleges have started responding immediately upon communication of the order of this Court and the process of allotment of para-medical staff, in various DCHC is going on.

3] In para no. 7 of the said order, we recorded the statement of the Municipal Commissioner that a list of Ayush Doctors shall be provided to work under the guidance and instructions of the senior Doctors. We are accordingly informed by Shri Puranik, learned counsel representing the Municipal Commissioner that the appointment orders are issued to about 56 Ayush Doctors and out of it, 17 Doctors have already joined and rest of the Doctors are being persuaded to join the duties immediately. We therefore expect all such Doctors to rise to the occasion and co-operate in this situation. So far as the PG students and the students of Super Speciality are concerned, they are already working in the

Government Medical College as well as IGGMC and as soon as they are free from examination, they will be assigned the duties. The process is going on.

4] In para no. 8 of the said order, we expressed that the Municipal Commissioner who is the empowered authority under the Act can explore the possibility of requisitioning the Railway Hospitals for providing treatment to the patients along with the medical and para-medical staff. Accordingly, an order dated 16/09/2020 passed by the Commissioner, Nagpur Municipal Corporation is placed on record and marked as 'Y' for identification. We are informed by the Commissioner, Municipal Corporation that the authorities of the Railway Hospitals are co-operating and the facility can immediately be made available.

5] The Indian Medical Association be joined as party respondent in this petition through the President Dr. Archana Kothari. Dr. Archana Kothari had appeared before us in person on 10/09/2020. Shri B.G. Kulkarni, learned counsel represents the Indian Medical Association and informs us that the President is also present personally before this Court. We are assured that a list of 100 Doctors, who shall be willing to work at various places, shall be provided along with the age groups, to the Municipal Commissioner within a period of two days from today. He further submits that a list of 20 persons is available with him today and it shall be given to Shri Puranik and these Doctors can be assigned the duties immediately by the Municipal Commissioner. As and when such list is received, the Municipal Commissioner shall be at liberty to assign the

duties as per the directions given by this Court in the earlier order. Shri Kulkarni, learned counsel submits that many Doctors have voluntarily offered their services through video conferencing who are aged above 65 years. We appreciate this gesture of doctors voluntarily coming forward to involve themselves in this pious work.

6] In order to sort out the problems faced by the private hospitals, there has to be a co-ordinated activity between the authorities and the private hospitals. Shri Subodh Dharmadhikari, learned Senior Advocate representing the petitioner in W.P. (ST.) No. 8050/2020 suggests to constitute a committee. All the learned counsels appearing for the parties are agreeable for this proposal, so that the issues can be worked out and the Doctors and para-medical staff can be made available immediately. We therefore constitute the co-ordination committee consisting of the following members:-

- (i) The Mayor Shri Sandeep Joshi, Chairman of the Committee
- (ii) Divisional Commissioner, Nagpur
- (iii) Municipal Commissioner, Nagpur or his nominee
- (iv) The President, Indian Medical Association
- (v) Dr. Anil Laddhad to represent the private hospitals.

The committee shall assemble in the office of the Mayor on 18/09/2020 at 11:00 am to sort out the problems which are being faced by the private hospitals. The

endeavour should be to minimise the inconvenience and hardship to the hospitals and patients. We expect that the problems of private hospitals shall be seriously looked into. If unanimous decision is taken on certain issues, the parties shall be at liberty to proceed further and act in accordance with such decision.

7] So far as the supply of oxygen is concerned, we are informed by the Municipal Commissioner that there is a Control Room established at the State level as well as at the District level and a notification dated 07/09/2020 to that effect has already been issued. We expect that the problem of oxygen supply to the private hospitals as well as the semi Government hospitals can be worked out. The Municipal Commissioner assures us that adequate number of ambulances are available and whenever the calls shall be received at the call center, immediate arrangement shall be made for sending the ambulances on the concerned addresses. The Municipal Commissioner also submits that the question of conducting audit of the private hospitals in respect of levy of the charges to the patients of Covid-19, is also under consideration and appropriate steps are being taken. The Joint Commissioner, Food and Drug Department Shri Mahesh Gadekar is personally present before us and in response to the difficulty of non-availability of the medicines, he submits that the medicines are available and whosoever faces difficulty can call upon the authority on Cell No. 7709788828 and the drugs can easily be made available.

8] Put up these matters on 23/09/2020.

9] The order be communicated to the counsel appearing for the parties, either on the e-mail address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

JUDGE

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