



WEB COPY



W.P.No.1429 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.1429 of 2024

R.Raja

.. Petitioner

Vs

1. Government of Puducherry
Rep. by its Chief Secretary
Main Building, Chief Secretariat
Goubert Avenue, Beach Road
White Town, Puducherry – 605 001.

2. Union of India
Ministry of Health and Family Welfare Department
By its Secretary, Room No.201-D, Nirman Bhawan
New Delhi – 110 011.

3. The Director
Jawaharlal Institute of Postgraduate
Medical Education and Research (JIPMER)
JIPMER Campus Road, Gorimedu, Dhanvantri Nagar
Puducherry – 605 006.

4. The Administration Officer
Jawaharlal Institute of Postgraduate
Medical Education and Research (JIPMER)
JIPMER Campus Road, Gorimedu
Dhanvantri Nagar
Puducherry – 605 006.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Certiorarified Mandamus, calling for the records of the fourth respondent with respect to notification dated 19.01.2024 in No.Admn.I.11.29 (1)/2020 and quash the same and consequently direct the third and fourth respondents not to close down the hospital and health care service of Jawaharlal Institute of Post Graduate Medical Education and Research (JIPMER) on 22.01.2024 till 2.30 pm or any other day for any specific or other reasons.

For the Petitioner : Mr.V.Prakash
Senior Counsel
for Mr.R.Mahesh Nandhu

For the Respondents : Mr.Ravi Kumar
Government Pleader (Pondy)
for 1st respondent

: Mr.AR.L.Sundaresan
Additional Solicitor General
assisted by
Mr.Srinivasamurthy
Senior Panel Counsel
for 2nd respondent

: Mr.AR.L.Sundaresan
Additional Solicitor General
assisted by Mr.M.T.Arunan
Standing Counsel
for respondents 3 and 4



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ORDER
(Delivered by the Hon'ble Chief Justice)

Heard Mr.V.Prakash, learned Senior Counsel, appearing on behalf of Mr.R.Mahesh Nandhu, learned counsel for the petitioner; Mr.Ravi Kumar, learned Government Pleader (Puducherry) for the first respondent; Mr.AR.L.Sundaresan, learned Additional Solicitor General appearing on behalf of Mr.Srinivasamurthy, learned Senior Panel Counsel for the second respondent; appearing on behalf of Mr.M.T.Arunan, learned counsel for third and fourth respondents.

2. The present public interest litigation is filed assailing the notification dated 19.1.2024 issued by the Jawaharlal Institute of Post Graduate Medical Education and Research (JIPMER). Under the said notification, it is informed that the institute shall remain closed till 2.30 pm on 22.1.2024, however, the emergency services will run as usual.



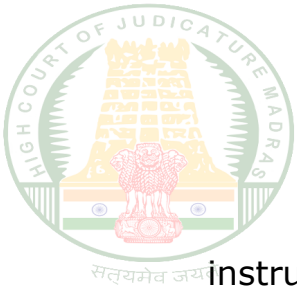
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3. Mr.V.Prakash, learned Senior Counsel appearing on behalf of the petitioner, submits that there are planned surgeries scheduled on 22.1.2024. Once the slot is missed, the appointment is not given for three months. There are patients who have to undergo tests such as MRI Scan, etc., before the operative procedure is undertaken. The patients throughout the country come to the respondent/institute, as it is a super specialty institute and one of the most reputed institutes in Puducherry.

4. We had heard the matter. We asked learned Additional Solicitor General, appearing virtually, that if the surgeries are planned and if they are not performed in the morning session, then when those surgeries would be undertaken. Learned Additional Solicitor General sought 15 minutes time to take instructions on the same. After about 15-20 minutes, we re-assembled.

5. Learned Additional Solicitor General, on instructions of the Deputy Director (Admn), JIPMER, submits that on 22.1.2024 till 2.30 pm, there are no elective/planned surgeries fixed. On



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instructions, he further submits that emergency surgeries would be undertaken; emergency services will run as usual; and planned evaluations shall also be taken care of. The patients requiring emergent treatment shall be attended to by the doctors.

6. In view of the said statement made by learned Additional Solicitor General, the apprehension of the petitioner would stand redressed.

The writ petition, as such, is disposed of. There shall be no order as to costs. Consequently, W.M.P.Nos.1458 and 1459 of 2024 are closed.

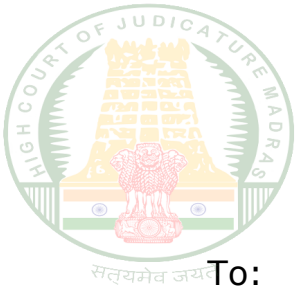
(S.V.G., CJ.)

(D.B.C., J.)

21.01.2024

Index : No
Neutral Citation : No

sasi/drm



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THE HON'BLE CHIEF JUSTICE
AND
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