

(2023) 09 KL CK 0001

In the High Court Of Kerala

Case No : Writ Petition (C) No. 28905 Of 2023

Adv. Richard Rajesh Kumar

APPELLANT

Vs

Union Of India

RESPONDENT

Date of Decision : 04-09-2023

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2023) 09 KL CK 0001

Hon'ble Judges : A.J. Desai, CJ;V.G. Arun, J

Bench : Division Bench

Advocate : Sunil Jacob Jose, Sayipriya S., S. Manu, K.P.Harish

Final Decision : Disposed Of

Judgement

A. J. Desai, C. J.

1. 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.