

(2021) 07 SIK CK 0009
In the Sikkim High Court
Case No : Writ Petition (PIL) No. 05 Of 2021

Dew Kumar Chettri

APPELLANT

Vs

Sikkim University And Ors

RESPONDENT

Date of Decision : 05-07-2021

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2021) 07 SIK CK 0009

Hon'ble Judges : Jitendra Kumar Maheshwari, CJ; Meenakshi Madan Rai, J

Bench : Division Bench

Advocate : Yozna Lepcha, Mon Maya Subba, Sudesh Joshi, Yadev Sharma, Sujan Sunwar

Final Decision : Disposed Of

Judgement

Jitendra Kumar Maheshwari, CJ

Petition under Article 226 of the Constitution of India has been filed in the nature of Public Interest Litigation (PIL) seeking direction to the State

respondents for compliance of the judgment dated 05.04.2016 passed by this Court in W.P. (PIL) No.39 of 2012 (Shri Rinzing Chewang Kazi vs.

The State of Sikkim & Ors). Direction has further been sought for immediate implementation of the Guidelines for Jananni-Shishu Suraksha

Karyakram (JSSK), 2011. A direction has also been prayed for implementation of the Indian Public Health Standard (IPHS) Revised Rules, 2012

which guarantees the healthcare and the quality oriented health system in every Districts. A direction has also been prayed for constitution of a

committee and to find out the report in the matter of implementation of the direction as issued in the case Shri Rinzing Chewang Kazi (supra).

After having heard learned Counsel appearing on behalf of the petitioner as well

as the learned Additional Advocate General representing the State,
the direction as issued by this Court on 05.04.2016 in Shri Rinzing Chewang Kazi
(supra), paragraph 40, may be looked into gist, which is
reproduced as thus:

â??40. On the discussions made above, we dispose of this PIL along with CMA
Nos. 387/2014 & 251/2015 on following terms:-

(1) The State will ensure availability of life saving drugs in all the hospitals/
health centres. Interim direction in this regard vide Order dated 24.08.2012

is made absolute. (see Order dated 24.08.2012)

(2) Other interim directions on which compliance reports have not been filed
shall also be taken as absolute.

(3) JSY and JSSK shall be implemented in their letter and spirit so that the
eligible women and children derive proper benefits from these schemes.

(4) The Maternal Death Reviews and Community Based Monitoring shall be done
regularly and necessary materials shall be uploaded in the website

of the NHM. (see paragraph 28)

(5) The State Government shall make all endeavour to establish a Blood Bank in
each district and also to establish Blood Storage facility in each CHC

in near future. (see paragraph 29)

(6) State will create a free medicine counter in all district hospitals. (see
paragraph 39)

(7) All free medicines, as per the list provided to this Court, shall be made
available in the said counters. (see para 39)

(8) There shall be separate OPD card centres at STNM Hospital, Gangtok viz.
male, female and senior citizens. The Out Patient Duty (OPD)

morning and afternoon at STNM Hospital shall be regular and afternoon OPD
should be maintained strictly. (see paragraph 39)

(9) An inquiry desk shall be made available at STNM Hospital, Gangtok, which
would be easily visible to assist the patients/their attendants. (see

paragraph 39)â??

Looking to the direction as above, it is clear that all the grievances raised in this
case are decided. If the direction issued by this Court has not been

complied with, the recourse as available to the petitioner is to initiate an
appropriate proceedings, but not to come second time by filing the present

PIL.

In addition the ancillary issue regarding the implementation of the IPHS Revised Rule, 2012 is concerned, the petitioner is at liberty to submit the

representation to the competent authority who may look into and disposed of the same in accordance with the law. Hopefully, if the Rules are there

and applicable, it may be taken care and required its implementation following rule of law. However, the representation, if any, be submitted by the

petitioner afresh within two weeks from today along with copy of this order. The same may be considered and decided as per law within a period of

one month by the competent authority.

The Writ Petition stands disposed of with the aforesaid observation.