

(2014) 03 JH CK 0099
In the Jharkhand High Court
Case No : W.P. (PIL) No. 4886 of 2012

Rajesh Kumar Singh

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 01-03-2014

Acts Referred:

Citation : (2014) 2 AJR 390

Hon'ble Judges : R. Banumathi, C.J.; S. Chandrashekhar, J

Bench : Division Bench

Advocate : M.K. Choubey, Advocate for the Appellant; Rajesh Kumar, G.P.V, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

1. In this Public Interest Litigation, the petitioner seeks for direction to the respondents, especially respondent No. 1-State of Jharkhand through its Secretary, Health Department to forthwith close the Blood Banks which are running in violation of the Rules and Regulations, especially the Blood Transfusion Safety and Regulation Rules and also the other Acts which are mandatorily to be followed for running the blood banks and other directions. The grievance of the petitioner, who is resident of Ranchi, is that blood banks in the State of Jharkhand are not being run in the strict compliance of Drugs and Cosmetics Act and the Rules framed thereunder. In para-4 of the writ petition, the petitioner has referred to one such blood bank situated at Sai Hospital, Bokaro, which is being run by one Arun Kumar Sinha (6th respondent) in Plot No. GC-18, situated at City Centre, Sector-4, Bokaro Steel City, District Bokaro in the name and style of Blood Bank, Sai Hospital. The petitioner has referred to the various informations obtained under Right to Information Act either by himself or by others regarding the safety norms which are to be followed in running the blood banks and, therefore the petitioner seeks appropriate direction to the respondents, in particular, 1st respondent to take steps to close the blood banks which are running in violation of the Rules & Regulations and also direction to the

Civil Surgeon, Bokaro and Ranchi to take appropriate steps for regular inspection of the blood bank which are functioning in violation of the Rules & Regulations.

2. We have heard Mr. Manoj Kumar Choubey, learned counsel for the petitioner and Mr. Rajesh Kumar, learned G.P.- V appearing for the State of Jharkhand.

3. Drawing our attention to the counter affidavit filed by the State, Mr. Rajesh Kumar has submitted that series of actions have been taken against those blood banks, which are running in violation of the Regulations & Rules. In the counter affidavit filed by Principal Secretary, Health Department and Family Welfare & Medical Education, Jharkhand on 29.8.2013, it has been stated that actions have been taken by the State Government in monitoring/supervising the blood banks. It is stated that by the letter dated 12th June, 2013 that Department of Family Welfare & Medical Education, Government of Jharkhand has directed all the Civil Surgeons-cum-Chief Medical Officers of the State of Jharkhand to make a complete survey report of the unlicensed Blood Banks in their jurisdictions. It is stated that a press communique dated 6.7.2013 has also been issued in which a list of running and valid Blood Banks were attached and it was also informed to all general public to inform any unlicensed Blood Bank, if found, running in the State.

4. It is further stated that altogether 45 Blood Banks are running and all the Blood Banks are being inspected regularly and action is being taken. It is further stated that four Blood Banks were ordered to stop the function for taking the blood, its storages and distribution, since they did not have the necessary infrastructure. It is also stated that the respondents are strictly monitoring to ensure that there is no unlicensed Blood Banks are running in the State.

5. Requirements for the collection, storage, processing and distribution of whole human blood, human blood components by blood banks and manufacture of blood products are stipulated in part XB of the Drugs and Cosmetics Rules. The infrastructures which are required to be provided are also stipulated under the Drugs and Cosmetics Rules.

6. In their counter affidavit, the respondents have stated that there is no unlicensed blood bank running in the State so far the report has been given to the office of the 1st respondent. It is further stated that all the blood banks in the State of Jharkhand are being inspected regularly. Recording the statement in the counter affidavit filed by the 1st respondent that all the blood banks are inspected regularly, this writ petition is disposed of.