

(2008) 04 JH CK 0028
In the Jharkhand High Court

Sabita Banerjee

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 29-04-2008

Acts Referred:

Citation : (2008) 3 JCR 351

Hon'ble Judges : M. Karpaga Vinayagam, C.J;Dabbiru Ganeshrao Patnaik, J

Bench : Division Bench

Judgement

1. Heard the counsel for the parties.
2. In this writ petition by way of public interest litigation, petitioner prays for issuance of a direction to the respondents to show cause why the people residing in different districts of the States are dying of diseases like malaria, diarrhea and lack of maternity facility and mismanagement in spite of funds allotted by the Government and also for direction upon the respondents to eradicate the prevailing problems and ensure safety of lives of the people residing in the different districts of the State.
3. According to the learned Counsel for the petitioner, petitioner is a social worker and co-ordinator of Gramodaya Chetna Kendra which is a society under the Societies Registration Act. Learned Counsel submitted that there are five levels of medical institutions which are allotted funds for providing medical facilities to the people of the State, but in spite of allocation of sufficient funds, many people are dying for want of proper treatment and care and the Government is a silent spectator.
4. Counter affidavit has been filed on behalf of the respondents by the 1/c State Malaria Officer, Jharkhand, Ranchi, to show that steps have been taken.
5. At the outset, it is to be mentioned that though particulars have been given in the affidavit, but it does not reflect the detailed particulars of medical facilities provided in each of the areas and other particulars etc. However, the facts which emerge from the affidavit are as follows:

(i) National anti-malaria programme, (renamed as national vector borne disease control programme) which is a centrally sponsored programme is being implemented in the State. The main objective of the programme is to reduce the rate of morbidity and prevent death due to malaria and major insecticides and anti malarials are supplied by the Government of India and are given to the different districts as per their technical requirements to meet the emergencies;

(ii) Insecticidal spray within the four walls of human dwelling is carried out selectively and the anti malarials are made available at the" levels i.e. up to health sub-centres, and the drugs are distributed through drug distribution centres at village level also, and there is no shortage of anti malarials.

(iii) Insecticidal spray was done in the district of Chatra during 2003-04 and large quantities of drugs were supplied to Chatra district from the Head Quarters.

(iv) Besides, anti-malarials are supplied from the State Head Quarters; some anti malarials and other establishment supports are provided by the District Malaria Officer, Hazaribagh.

6. In the counter affidavit, details of the malaria cases treated year wise from 2000-2003 have been given and it is reported that there was no death on account of malaria and that whatever fund is provided by the Government is being utilized by the medical officers in the districts and proper medical facilities "are provided to the patients in the district of Chatra.

7. So, the counter affidavit indicate that necessary steps have been taken by the concerned department to treat and eradicate the cases of malaria and in this view of the matter, no further direction is necessary.

8. However, the petitioner shall be at liberty to represent before the concerned authority to ventilate his grievances and in that event, the authority concerned will look into the matter and ensure that proper medical facilities are made available to the persons concerned. With the above observation, this writ petition is disposed of.