
(2009) 05 AHC CK 0579
In the Allahabad High Court

Satish Chaturvedi

APPELLANT

Vs

State of UP and Ors (72)

RESPONDENT

Date of Decision : 15-05-2009

Acts Referred:

Citation : (2009) 05 AHC CK 0579

Hon'ble Judges : Sunil Ambwani, J and Dilip Gupta, J

Final Decision : Allowed

Judgement

Dilip Gupta, J.

On 17.4.2009 we had appointed Shri Akhilesh Kumar Pandey to assist the Court as amicus curie. He was also given permission to visit the hospital; look into the facilities provided, and to suggest for improvement of the functioning of the hospital and patient care.

Shri Akhilesh Kumar Pandey has submitted a report dated 13.5.2009, a copy of which has been given to Shri M.C. Chaturvedi, Chief Standing Counsel and Shri R.B. Pradhan, Standing Counsel appearing in the matter.

Shri Akhilesh Kumar Pandey has stated in his report that he was not given cooperation by the Principal of the Medical College and the Senior Medical Superintendent, S.R.N. Hospital, Allahabad in spite of producing a copy of the order of the Court. In the 45 paragraphs report submitted by Shri Pandey, he has confirmed the earlier reports, giving facts of pathetic conditions prevailing in the hospital. His observations further confirm the report of the Principal Secretary, Medical Education of his inspection dated 20.1.2009 made in presence of Dr. M.C. Sharma, Director General, Medical Education; Dr. P.C. Saxena, Principal, Medical College, Allahabad; Dr. U.S. Sinha, Chief Medical Superintendent, S.R.N. Hospital, Allahabad and Shri S.P. Singh, Director, M.D. Eye Hospital, Allahabad.

We had allowed the Principal Secretary, Medical Education to take immediate effective steps to improve the conditions of the S.R.N. Hospital, and to take action against the Principal of the Medical College, and the Chief Medical

Superintendent of the Hospital. Dr. U.S. Sinha, the Chief Medical Superintendent was relieved of his additional duties and that Dr. Shradha Dwivedi was given charge of Chief Medical Superintendent on 25.2.2009. The conditions inside the hospital however has remained the same without any improvement and have rather worsened.

The report of Shri Akhilesh Kumar Pandey, amicus curie dated 13.5.2009 shall be made part of this order.

Ordinarily the High Court does not call and that we have not directed any officer of the State Government to appear in person in these proceedings so far. The overriding and compelling public interest, however, leaves us with no option but to summon the Principal Secretary, Medical Education and the Director General, Medical Health, U.P to appear in person in the Court on 22nd May, 2009 at 02.00 PM to show cause as to why appropriate steps have not been taken and the reasons for which our repeated orders passed in the last several years have been ignored.

We direct the respondents to allow Shri Akhilesh Kumar Pandey, Advocate of this Court all the facilities to visit the hospital and the offices of S.R.N. Hospital, Children's Hospital and M.D. Eye Hospital. He will also be given access to all the records both inside the hospital and the offices of the hospital. Any effort made to stop him from causing inspections and refusing to give him help will be treated to be as disobedience of the orders of the Court. He will be provided with one senior resident or official of the hospital, to introduce him to the staff of the hospital. The Senior Superintendent of Police, Allahabad is directed to provide a security officer, whenever he visits the hospital after informing him. The Sub Inspector, Police Chowki inside the hospital is also directed to accompany him whenever Shri Akhilesh Kumar Pandey visits the hospital and shall provide protection to him to carry out his work. He will be allowed to photograph or videography of all the activities in these Hospitals.

List on 22.5.2009 to be taken up at 02.00 PM. A copy of the order and the report dated 13.5.2009, made part of the order shall be given to learned counsel for the petitioner; Chief Standing Counsel and Shri Akhilesh Kumar Pandey by Monday.