

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE N. NAGARESH

TUESDAY, THE 1ST DAY OF NOVEMBER 2022 /

10TH KARTHIKA, 1944

WP(C) NO. 34191 OF 2022

PETITIONER

DR. PRATHIBHA. K.,
AGED 36 YEARS
D/O. BHASKARAN, KOTHAYAMATTIL HOUSE, MADATHIL
ROAD, TANUR. P.O., MALAPPURAM DISTRICT,
PIN - 676 302, WORKING AS MEDICAL OFFICER,
TANALUR FAMILY HEALTH CENTRE,
MALAPPURAM - 676 107.
BY ADV R.GOPAN

RESPONDENTS

- 1 STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY.
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695001.
- 2 THE PRINCIPAL SECRETARY,
HEALTH AND FAMILY WELFARE DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
- 3 ADDITIONAL CHIEF SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.

SMT.VIDYA KURIAKOSE GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 01.11.2022, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

J U D G M E N T

Dated this the 1st day of November, 2022

The petitioner, who is a Medical Officer of Tanalur Family Centre, is aggrieved by the conditions contained in Ext.P1 Circular.

2. By Ext.P1 Circular relating to sanction for providing financial assistance for dialysis for all categories of kidney patients through concerned hospitals, Administrative Committees were ordered to be constituted for each Grama Panchayat so as to prepare the list of eligible beneficiaries. The Medical Officers from the Primary, Family and Community Health Centres have to participate in the meeting conducted by the Panchayat in the Panchayat and Collectorate as per Exts.P2 and P3.

3. The petitioner states that the Medical Officers of Primary, Family and Community Health Centres have to abstain from their duties for attending these meetings. This causes considerable inconvenience and hardship to the ordinary patients.

4. The Medical Officers do not have any role to certify or examine the patients who were included in the list of beneficiaries prepared by the Governing Body of the Panchayat. Attending such meetings is not of any consequence. At the same time, it causes hardship to other patients.

5. The petitioner has submitted Ext.P5 representation before the 2nd respondent. In view of the concern raised by the petitioner in the writ petition and considering the fact that Ext.P5 representation has been submitted to the 2nd respondent, this Court is of the view that the 2nd respondent shall pay his attention to Ext.P5 representation and take appropriate decision, if the situation warrants any action.

In the circumstances, the writ petition is disposed of directing the 2nd respondent to consider Ext.P5 representation submitted by the petitioner and take appropriate decision thereon within a period of two months.

Sd/-

smm

N. NAGARESH, JUDGE

APPENDIX OF WP(C) 34191/2022

PETITIONER EXHIBITS

- Exhibit P1* PHOTO COPY OF THE CIRCULAR
NO.DA1/151/2022/LSGO DATED 18.9.2022
ISSUED BY THE 3RD RESPONDENT LOCAL SELF
GOVERNMENT DEPARTMENT.
- Exhibit P2* PHOTO COPY OF THE LETTER
NO.747/2022-23/DPC/ DPO/MPM DATED
15.9.2022 ISSUED BY THE DISTRICT PLANNING
OFFICER, MALAPPURAM.
- Exhibit P3* PHOTO COPY OF THE LETTER NO. 747/2022-
23/DPC/ DPO/MPM(2) DATED 7.10.2022 ISSUED
BY THE DISTRICT PLANNING OFFICER,
MALAPPURAM.
- Exhibit P4* PHOTOCOPY OF THE REPRESENTATION DATED
21.10.2022 SUBMITTED BY THE PETITIONER TO
THE 1ST RESPONDENT.
- Exhibit P5* PHOTOCOPY OF THE REPRESENTATION DATED
18.10.2022 BY THE PETITIONER TO THE 2ND
RESPONDENT.
- Exhibit P6* PHOTOCOPY OF THE REPRESENTATION DATED
20.10.2022 BY THE PETITIONER TO THE 3RD
RESPONDENT WITH E- MAIL RECEIPT.