

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106

CWP No.3531 of 2022
DATE OF DECISION : 23rd FEBRUARY, 2022

Arti Devi

.... **Petitioner**

Versus

UT Chandigarh & others

.... **Respondents**

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Ashdeep Singh, Advocate for the petitioner.

* * * *

RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed under Articles 226 & 227 of the Constitution of India, seeking issuance of a writ in the nature of mandamus, directing the respondents to provide medical treatment to the petitioner who is five months pregnant and who has been denied medical treatment by respondents No.3 to 5 on the ground that she is resident of Punjab and in GMSH-16 Chandigarh, the patients from outside Chandigarh cannot get treatment; along with certain other prayers.

It is submitted by the counsel for the petitioner that the petitioner is having pregnancy of five months and she need medical treatment and health advices for the well being of her fetus and for her own well being as well. For that purpose the petitioner has approached respondent No.2-Hospital. The petitioner was registered as patient at the hospital for treatment as well. However, subsequently on 10.02.2022 the petitioner has been turned out from the hospital refusing her the treatment on the ground that she was not resident of UT Chandigarh. The counsel has submitted that there is no such law under which the Government Hospitals in UT could have denied the facility of treatment to the petitioner, in normal course, only on the ground that she was not resident of the UT Chandigarh.

Notice of motion.

Mr. Aditya Pal Singla, Assistant Government Pleader for the UT, accepts notice on behalf of the respondents-UT Chandigarh.

Even the counsel for the respondents-UT Chandigarh has not been able to point out any law, which entitles respondent No.2-hospital to drive out the patients by denying them the medical treatment only because of they not being resident of UT Chandigarh. Otherwise, also, the petitioner cannot be subjected to discrimination only on the ground of her place of residence. That, in fact, is a direct violation of fundamental right of the petitioner. Denying her treatment on the above said ground also violates her the right to life and liberty without there being any justifiable reason. This decision or even tendency of Government medical facility cannot be countenanced; by any means. Hence, respondent No.2 deserves a direction to provide the necessary treatment/advice, in normal course, as and when the petitioner approaches respondent No.2.

Accordingly, the present petition is disposed of with a direction to respondents to provide necessary medical treatment/advice to the petitioner, in normal course, as and when she approaches the respondent-hospital.

The counsel for the UT Chandigarh is requested to take the petitioner today itself to the hospital and to ensure that the necessary treatment of the petitioner is started with immediate effect.

The copy of this order be supplied to counsel for the petitioner under the signature of Bench Secretary.

23rd FEBRUARY, 2022
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>