

WPIL NO. 120 of 2013

Hon'ble Ravi Malimath, ACJ.

Hon'ble R.C. Khulbe, J.

Shri Abhijay Negi, learned counsel appearing for Shri Sandeep Kothari, learned counsel for the petitioner.

2. Shri S.S. Chauhan, learned deputy advocate general for the State of Uttarakhand.

3. This is a public interest litigation seeking for an order to direct the respondents to implement various health schemes, as propounded by the State and the Centre, and other consequential reliefs.

4. Various interim directions have been issued in this case. The affidavits of compliance, or otherwise, have also been filed by the State.

5. However, on considering the contentions, we are of the view that in larger public interest, the medical facilities throughout the State of Uttarakhand requires to be considered.

6. There has been a constant outcry from the public with regard to the lack of proper medical facilities, especially in the hilly areas. Since a large portion of the State is situated in the hilly areas, the people living there should necessarily be accorded with at least minimum medical facilities. Establishing appropriate medical facilities also has various problems. It is these issues, the State would have to balance, namely, the medical facilities to be provided to the public on the one hand and the environment on the other to strike a balance.

6. In our view, it would not be appropriate to deal with matters of this nature on a case-to-case basis. Proper medical facility is one of the fundamental rights of every citizen. Appropriate medical facilities have to be provided by the State. There are various problems that the State faces including financial that go into structuring the medical facilities.

7. It is under these circumstances that we deem it just and necessary to call upon the State to furnish particulars with regard to the availability of medical facilities, the nature of the medical facilities, the standard of hospitals, the quality of medical aid and all such issues that are necessary to determine appropriate medical attention to the public at large. Therefore, we are of the view that the scope of this petition should cover the entire issue of the medical facilities in the State of Uttarakhand. Therefore, learned counsel for the petitioner shall file a list of questionnaires, which we can put to the State in order to elicit answers and the particulars of the available facilities, etc.

8. Hence, list this matter on 06.10.2020.

(R.C. Khulbe, J.)
25.09.2020

(Ravi Malimath, ACJ.)
25.09.2020

PSR