

Citizens' Cause Vs. the State of Jharkhand and Ors.

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Court : Jharkhand

Decided On : Jul-14-2006

Reported in : AIR2007Jhar32; [2006(4)JCR238(Jhr)]

Judge : S.J. Mukhopadhaya, Acting C.J. and; M.Y. Eqbal, J.

Appeal No. : C.W.J.C. No. 420 of 2001

Appellant : Citizens' Cause

Respondent : The State of Jharkhand and Ors.

Advocate for Def. : A.K. Sinha, Adv.

Advocate for Pet/Ap. : M.S. Anwar, Sr. Adv.; D. Jerath and; R.K. Singh, Adv

Judgement :

1. In this Public Interest Litigation, the petitioner had brought to the notice of the Court the malfunctioning of Rajendra Medical College and Hospital, Ranch) (now known as Rajendra Institute of Medical Sciences, Ranchi), alleging therein, that the Hospital was encroached by a number of persons; there was no boundary wall; no security arrangement; stray animals (specially dogs) and that anti-social elements were moving and visiting the Hospital as well as the residential area freely. The toilets and bathrooms were in dilapidated state and practically there was no supply of water and, as such, the Hospital was facing acute crisis. The internal wiring of the Hospital was in such a dangerous condition that it might

cause accident at any point of time. Other malfunctioning was also brought to the notice of the Court.

2. On 31st January, 2001 this Court, having noticed the allegations of non-functioning/malfunctioning of a crucial part of public life, dealing with health care of the residents and citizens, took up the matter and constituted a 'Two-Member Committee' to enquire into the matter. It was reported that large number of persons had encroached the Hospital itself and other allegations relating to malfunctioning were also found to be correct. A Guest House of the Medical College was kept by the police officials as Police Station and the quarter of Superintendent of the Hospital was occupied by one of the Ministers of the State. This is how the Institute was functioning and the people were frightened to move the Hospital. Orders were passed from time to time to remove encroachments and to clean 'dirt, filth, garbage etc. and the Electricity Board was directed to supply electricity, as electricity was not being supplied throughout the day.

3. In spite of repeated orders, passed from time to time, no step was taken to remove all the encroachments and even one of the Ministers continued to occupy the quarter of Superintendent of the Hospital. Since 2001 continuous monitoring were done and orders were passed from time to time, on account of which certain improvements, like removal of encroachments, cleaning of filth, garbage etc., took place for the time being. After a number of orders, having been passed by this court, ultimately an order was passed by the Supreme Court and thereafter, pursuant to initiation of a contempt proceeding, the said Minister vacated the quarter of the Hospital.

4. Though such orders were passed in public interest and a large number of persons intervened and complained their difficulties, no interest was shown either by the State Government or by any Public Representative. Even no individual, including N.G.O., took any step to ensure that the Hospital functions properly. However, whatever was done was due to the orders, passed by this Court from time to time,

5. Certain developments having been made, it was brought to the notice of the Court that though the patients are now admitted, they are neglected. Patients of

the departments of Gynaecology, Obstetrics and Surgery were found to be most neglected one amongst others. In spite of repeated orders, passed by this Court, hygiene and cleaning in the Hospital, on inspection by the Committee, were not found up to the mark. Meanwhile, the State Government made a big announcement that the Hospital would be converted as an Institute of repute like 'All India Institute of Medical Sciences, New Delhi'. It came out with an act of changing the name of the Hospital from 'Rajendra Medical College & Hospital, Ranchi' to 'Rajendra Institute of Medical Sciences, Ranchi' and after change of name, though the Hospital was given autonomy, it continued to function in the manner, it was functioning and, thus, even after the Hospital having become autonomous, no development took place.

6. In the meantime, a stage came when the College was issued notice by the Medical Council of India as to why the College be not de-recognized. It was brought to the notice of the Court that the Medical College, one of the pioneer colleges of the State, is facing threat of de-recognition because no step was taken to fill up Teaching, Non-Teaching, Medical, Para-Medical, Class-II & Class-IV posts. At that time, even there was no Director appointed by the Institute for years together. When the matter was enquired into, it was found that while the Chief Secretary was the Ex-officio Chairman, some other Government Officials were the Members of the Committee and because of non-cooperation by the State, posts were not filled up. Since 2002, though repeated orders were passed to fill up Teaching, Non-Teaching, Medical, Para-Medical, Class-III and Class-IV posts, giving one or other ground, all the posts were not filled up. A stage further came that because of less number of Teachers' strength, Post Graduate seats of Medical Education could not be filled up, as they were dependent on the ratio of Teachers and Students. The Court had to pass orders, prohibiting the Institute from admitting P.G. students in this Medical College beyond the ratio of the Teachers & Students, due to which the students also did suffer. In spite of repeated orders when the posts were not filled up, the Chief Secretary, who was the Chairman of the Governing Body of RIMS, Ranchi, the Acting Director of RIMS, Ranchi and the Development Commissioner, Ranchi, who was the Chairman of the Selection Committee, were called and asked to give the total number of posts, which were to be filled up, and directions were issued since 14th December, 2004

to fill up all the posts immediately. In spite of repeated orders, posts could not be filled up due to one or other action on the part of the State Members of the Governing Body and recently only in February, 2006 i.e. after five years of monitoring by this Court, a regular Director for the Institute has been appointed. A large number of Teaching, Non-Teaching, Medical, Para-Medical, Class-III and Class-IV posts have also been filled up in between 2005 and 2006 i.e. after monitoring by this Court for about 4-5 years. During the aforesaid period, though one or other order had been flouted, for which no reason was shown, but taking into consideration the public interest, instead of punishing anyone, the Court allowed time to ensure that all the posts are filled up and the Institute functions in a proper way and ultimately, satisfactory developments have taken place.

7. As pointed out above, whatever development took place was because of the orders, passed by this court from time to time in Public Interest litigation, as neither any individual nor any organization nor any Public Representation nor any Social Organization nor any of the N.G.Os. had taken care of for development of this Institute since creation of this State i.e. for last six years.

8. On 7th July, 2006 it, was reported that some other Committee, consisting of Legislatures, had been constituted to supervise the functioning of RIMS. As it was not clear as to why such a Committee was constituted at a stage, when it was within the knowledge of the State that the matter is pending consideration before this Court and different orders are being passed in public interest, learned Advocate General for the State and Mr. Delip Jerath, counsel appearing for Legislative Assembly, were allowed time to obtain instructions regarding the jurisdiction of the Committee and to state under which provision such Committee was empowered to supervise the functioning of RIMS, Ranchi.

9. Learned Advocate General informed that a special Committee of Legislatures from different Parties has been constituted in In-house proceedings of the Assembly to look into the mal-functioning of RIMS, Ranchi. It was not made clear as to under which provision such Committee was constituted to monitor the functioning of RIMS, Ranchi, an autonomous body. It was reported that much hue and cry was made by some persons with regard to query, made by the Court

relating to constitution of the Committee of Legislatures. Comments made by one or other Legislature were also reported in the newspapers. However, we are not concerned with the same.

10. In the public interest it is not desirable to have parallel monitoring by two Institutions like High Court and Assembly over an autonomous body like RIMS, Ranchi. If the State Government has failed to perform its duties and the Legislatures, after five years, have, at least, come forward to play some role, let them do so in public interest. We hope and trust that the Committee of Legislatures will ensure betterment of the Institute of a repute within a year. But, if they fail to do so, the petitioner may bring it to the notice of the Court and in such case, the High Court may again take up the matter.

11. This Public Interest Litigation is closed and stands disposed of with the aforesaid liberty to the parties.

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