

THE HON'BLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA

AND

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

TAKEN UP WRIT PETITION (PIL) No.323 OF 2018

ORDER: *(Per the Hon'ble the Chief Justice Satish Chandra Sharma)*

The present public interest litigation has been registered based upon letter dated 28.07.2018 filed by Sri Rapolu Bhasker, Advocate, stating that the Government of Telangana is not providing adequate medical facilities i.e., Hospitals and Doctors in the State and the RMP Doctors, who are not qualified and have not undergone any training for prescribing strong antibiotics and injections, are treating the patients.

Learned Government Advocate, at the outset, has drawn the attention of this Court towards an order passed in an identical case i.e., W.P.(PIL).No.286 of 2017 decided on 24.07.2018 and the order passed by the Division Bench of this Court is reproduced as under:

“This Writ Petition is filed challenging Ex.P-2, G.O. Rt. No.428 dated 29.06.2015, and Ex.P-1, G.O. Rt. No.1273 dated 06.10.2009.

2. We have heard the learned counsel for the petitioner, learned Government Pleader for Medical and Health appearing for respondent No.1, learned Standing Counsel for Telangana State Medical Council appearing for respondent No.2, and learned Standing Council for Medical Council of India appearing for respondent No.5.

3. While the learned Government Pleader appearing for the State of Telangana submits that G.O. Rt. No.1273 was essentially necessitated, as a result of the directions issued by this Court in writ jurisdiction, we think that the terms of G.O.Rt.No.428 as well as the earlier G.O.Rt.No.1273 require to be comprehensively considered by the administration having due regard to the various situations that could be created by the persons, who may unauthorizedly endeavor to administer medicines including schedule drugs by professing themselves as “Doctors”.

4. To our query, we are told that there is no primary legislation in place to govern and provide for registration of Rural Medical Practitioners and Para Medics, who do not have registration as per law relating to registration of doctors or physicians in terms of the different empowering central enactments. With this in view, we notice that the Government had constituted a Committee as delineated in paragraph No.4 of G.O.Rt.No.428. The said Committee, we hope, would have by this time, in the last three years, addressed on the requisite factors, because, the issues that arise by imparting Community Para Medic Training and empowering the persons to call themselves as Para Medics could result in multifaceted situation which is required to be addressed by the Government and, if needed, by the State Legislature, as may be found necessary.

5. Therefore, this Writ Petition is ordered directing that the Committee constituted as per G.O.Rt.No.428 dated 29.06.2015 will place its comprehensive report before the Government, if such report has not already been placed, and the Government of Telangana State will consider all aspects of the matter including those highlighted in this writ petition also noticing that respondent No.2, the Telangana State Medical Council, essentially supports the plea of the writ petitioner on facts. A decision in this regard shall follow from the State Government without fail with an outer limit of four (4) months from the date of receipt of a copy of this order. Before parting, we may also alert the Government to the petitioner’s plea that adequate number of “Primary Health Centers” and “Community Health Centers” are not in place and such facilities have to be appropriately provided. This shall also be addressed by the Government. No order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending stand closed.”

In the aforesaid case, the Division Bench of this Court has directed for opening of Primary Health Centers and to take appropriate steps in the matter.

A reply has also been filed by the State furnishing details of the action taken in the matter. It has been informed that there are 636 PHCs, 41 CHCs and 248 UPHCs and paramedical staff has also been appointed in the aforesaid health centers. It has been informed that 400 Lab Technicians (Grade-II), 300 Pharmacists (Grade-II) and 1900 paramedical staff have been appointed. It has also been stated that besides the aforesaid, large number of hospitals have been established in the State of Telangana and details of the medical facilities are also on record. It has been brought on record that in 2014, there are as many as 1134 Doctors in the State and in the year 2018, the strength has increased to 3606 and under the Director of Medical Education also there are large number of hospitals. Thus, the State has brought to the notice of this Court the steps taken by it in the matter and therefore, no further orders are required to be passed in the present public interest litigation.

Accordingly, the public interest litigation is disposed of.

Miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

SATISH CHANDRA SHARMA, CJ

ABHINAND KUMAR SHAVILI, J

16.03.2022
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