

GAHC010203832021



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : PIL/81/2021

HIFZUR RAHMAN CHOUDHURY
S/O. LT. LUTHFUR RAHMAN CHOUDHURY, VILL. BATARASHI, P.O.
TILLABAZAR, DIST. KARIMGANJ, ASSAM, PIN-788709.

VERSUS

THE UNION OF INDIA AND 6 ORS
REP. BY ITS COMM. AND SECY. TO THE GOVT. OF INDIA, MINISTRY OF
HEALTH AND FAMILY AFFAIRS, NEW DELHI-01.

2:THE STATE OF ASSAM
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM
HEALTH AND FAMILY WELFARE DEPTT.
DISPUR
GUWAHATI-06.

3:THE COMMISSIONER AND SECY.
TO THE GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPTT.
DISPUR
GUWAHATI-06.

4:THE PRINCIPAL SECRETARY
TO THE GOVT. OF ASSAM
HEALTH AND FAMILY WELFARE DEPTT.
DISPUR
GUWAHATI-06.

5:THE DIRECTOR
HEALTH AND FAMILY WELFARE DEPTT.
G.S. ROAD
JAYANAGAR

SIX MILE
GUWAHATI-36.

6:THE DEPUTY COMMISSIONER

MAIN ROAD
KARIMGANJ DISTRICT KARIMGANJ
ASSAM.

7:THE JOINT DIRECTOR OF HEALTH SERVICES

KARIMGANJ DISTRICT
P.O.
P.S. AND DIST. KARIMGANJ
ASSAM
PIN-788710

Advocate for the Petitioner : PETITIONER IN PERSON

Advocate for the Respondent : ASSTT.S.G.I.

BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 03.11.2022

By way of this Public Interest Litigation, the petitioner has prayed for the following reliefs:

- (i) *To issue show cause as to why the proposed medical college has not been set up even after elapsing numerous years;*
- (ii) *To issue a writ, order or direction directing the respondents to submit up-to-date status report containing the details development made out in respect of setting up medical college before this Hon'ble Court;*
- (iii) *To issue a writ, order or direction in nature of mandamus, directing the respondents Nos. 1, 2 and 3 to take appropriate steps to set up medical college & hospital in the district of Karimganj within a time frame;*
- (iv) *To direct the respondent no. 6 to proceed with letter dated 06.08.2021 issued by the respondent no. 4 in respect of identification of land as per*

direction stipulated in the letter in immediate manner;

- (v) *To issue any other appropriate writ, order or direction which this Hon'ble Court deems fit, proper in the interest of justice.*
- (vi) *The cost of the writ petition may also be awarded in favour of the petitioner.*

2. Heard Mr. Hafizur Rahman Choudhury, learned petitioner-in-person. Also heard Mr. D. Saikia, learned Advocate General, Assam, assisted by Ms. S. Konwar, learned Government Advocate, Assam; Ms. S. Sarma, learned Standing Counsel, Health and Family Welfare Department, Assam, and Ms. N. Bordoloi, learned Standing Counsel, Revenue Department, Assam.

3. It is contended by the learned petitioner-in-person that even though medical colleges are being set up by the State Government at various other places of Assam, medical college & hospital is not being set up in Karimganj District. Learned petitioner-in-person reiterated that even after the order dated 23.11.2020, passed by the Coordinate Bench of this Court in an earlier Public Interest Litigation, being PIL 63/2020, the petitioner had approached the authorities concerned by filing representation dated 01.12.2020. However, nothing has been done by the respondent authorities in this regard. Referring to the Medical Council of India, Establishment of Medical College Regulations, 1999, it was contended by the learned petitioner-in-person that no progress has been made towards establishment of medical college in the District of Karimganj. It is, therefore, contended by the learned petitioner-in-person that the PIL be allowed.

4. Mr. D. Saikia, learned Advocate General, Assam, submitted that as a matter of policy the State Government is to establish medical college & hospital at various places in the State of Assam in a phase manner and, as per the said policy the State of Assam decided to set up a medical college & hospital in the District of Karimganj. Drawing our attention to a written communication dated 02.04.2022, received by him from the Joint Secretary to the Government of Assam, Health & Family Welfare

Department, it was further submitted by the learned Advocate General that the Finance Minister has also made provisions in the budget for the financial year 2022-2023 for establishment of a medical college at Karimganj, in Assam, and identification of land for setting up the medical college is also under process. Learned Advocate General further submitted that in view of the aforesaid steps taken by the State Government, the grievance ventilated by the petitioner in this PIL is almost redressed.

5. Having considered the pleadings on record and considering the submissions made by the parties and in view of the earlier order dated 23.11.2020, passed by the Coordinate Bench of this Court in PIL 63/2020, it clearly transpires that the State of Assam has taken a conscious decision to establish a medical college & hospital at Karimganj. As far as the time taken for the same is concerned, we hope and trust that the State Government shall expedite the process of establishing the proposed medical college & hospital at Karimganj. From the communication dated 02.04.2022 it appears that the State Government has already undertaken the process of identification of land for setting up the medical college & hospital at Karimganj. It is, no doubt, true that establishing medical college & hospital would come within the realm of State Government policy. However, as the respondent authorities themselves have declared that the process of establishing a medical college & hospital at Karimganj is on, we deem it fit to direct the respondent authorities to expedite the process of establishing the proposed medical college & hospital at Karimganj and complete same as early as possible.

6. With the aforesaid observations and directions, the PIL stands disposed of.

No order as to costs.

JUDGE

CHIEF JUSTICE

Comparing Assistant