

ITEM NO.4

COURT NO.6

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 196/2022

HAZI MUSHAHID

Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

Date : 29-03-2022 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE M.M. SUNDRESHFor Appellant(s) Mr. Pardeep Gupta, Adv.
Mr. Parinav Gupta, Adv.
Mrs. Mansi Gupta, Adv.
Dr. (Mrs.) Vipin Gupta, AORFor Respondent(s) Mr. R.K. Raizada, Sr. Adv.
Mr. Ajay Vikram Singh, AOR
Ms. Priyanka Singh, Adv.
Ms. Neelakshi Bhaskar, Adv.For complainant Mr. Rauf Rahim, AOR
Mr. Ali Asghar Rahim, Adv.UPON hearing the counsel the Court made the following
O R D E R

We have perused the affidavit filed by the Additional Director, Human Resources Department which does not paint a good picture of the availability of medical services at District levels, *albeit* according to them because of paucity of qualified doctors being selected. It is stated in the affidavit as well as the annexures that in pursuance to the requisition sent on 22.03.2021 for recruitment of doctors through State Public Service Commission, against 3620 posts, only 1881 doctors could

be selected, leaving a vacancy of about a little under 1800 doctors and in the meantime, some may have also retired over the last about one year. It has also been stated that in some specialties the problem is greater i.e. in Gynecologist, Anesthetist, Paediatrician and General Physician. Some of the steps sought to be taken are set out in para 6 of the affidavit:

- a) Since doctors in State are placed at 7 levels of hierarchy, to promote specialist doctors to join State Government hospitals, direct appointment is being given at level 2;
- b) A scheme known as 'Ambulance at Call' floated in collaboration with Central Government to provide access to rural areas;
- c) Conversion of district hospitals into medical colleges and hospitals to facilitate increase in the number of specialist doctors;
- d) The quota system is introduced for those doctors who are already working at district hospitals of Government to acquire specialization in different medical fields while they will simultaneously be working as doctors with some relaxation of marks for them.

It has been stated that utilization of these processes implies that there is transition phase going

on at present.

We did put to learned counsel for State that some of them may be long term solutions but there has to be also some short term solutions too i.e. like para (b) above.

The State Government can look into an endeavour to retain doctors who may be demitting office on retirement till such time as the vacancies are filled in by providing a requisite incentive for them including age increase.

Insofar as the specialists are concerned, the possibility of giving adequate remuneration to make it worth their while to be willing in the district level postings can also be examined. These are only illustrative examples and the State authorities would be best equipped to look into the feasibility of these or other options.

The State may also look to the methodology adopted by other States to buttress their resources including in Tamil Nadu.

We thus call upon the State Government to furnish to us an affidavit setting forth as to how in the short term will they fulfill the requirement of having adequate doctors at the district levels.

The affidavit be filed within four weeks.

At this stage, Mr. Rauf Rahim, Adv. submits that though the chart was received only yesterday, he has

been able to flag the issue of absence of sanctioned posts for General Surgeons and has given some illustrations. A copy of the same be handed over to learned counsel for the State. The problem is also of Gynecologist so far as the availability is concerned in some districts. The chart prepared by learned counsel to be looked into by the State and a suitable response be incorporated in the affidavit.

In the end, we may emphasis that providing adequate medical facilities at the district levels along with education are the primary functions of any dispensation of the State power and we expect a focus on this aspect by the State Government, now that the elections are over.

List for further directions/report on
13.05.2022.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)