

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

Wednesday, the 4th day of October 2023 / 12th Aswina, 1945

WP(C) NO. 31662 OF 2023(G)

PETITIONERS:

1. HUMAN RIGHTS FOUNDATIONS REP BY ITS SECRETARY, ADV BINI KRISHAN KERALA STATE COMMITTEE, CALICUT COLLEGE BUILDING, ASIKA HILLS, NEAR IMA BOOD BANK, THODUPUZZHA, IDUKKI DISTRICT KERALA, PIN - 673123.
2. BHASKARAN NAIR M, AGED 59 YEARS, GOWRI MANDIRAM, ERAMALLOOR P O, CHERTHALA, ALAPUZZHA, PIN - 688537.

RESPONDENTS:

1. STATE OF KERALA, REP. BY CHIEF SECRETARY GOVERNMENT SECRETARIATE, GOVT. OF KERALA, THIRUVANANTHAPURAM, PIN - 695001.
2. THE PRINCIPAL SECRETARY TO HEALTH, DEPARTMENT OF HEALTH AND WOMEN AND CHILD DEVELOPMENT, GOVERNMENT SECRETARIATE, GOVT. OF KERALA, THIRUVANANTHAPURAM, PIN - 695001.
3. THE SECRETARY (FINANCE), DEPARTMENT OF FINANCE, GOVERNMENT SECRETARIATE, GOVT. OF KERALA, THIRUVANANTHAPURAM, PIN - 695001.
4. THE DISTRICT COLLECTOR, COLLECTORATE, CIVIL STATION, KAKKANAD, ERNAKULAM, PIN - 682030.
5. THE SUPERINTENDENT, GENERAL HOSPITAL, ERNAKULAM, PIN - 682028.

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to

1. direct the Respondents 1 to 5 to appoint best Cardiac Surgeon team to head the cardiac surgery at General Hospital, Ernakulam

2. direct the first Respondent to take appropriate steps to appoint a best team of cardiac doctors for conducting surgery in general hospital Ernakulam on permanent basis within a short span of time as fixed by this Hon'ble Court.

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S. C.R.SIVAKUMAR, S.SOORYA GAYATHRY, HARI R. & C.R.SIVAKUMAR, Advocates for the petitioners, and of GOVERNMENT PLEADER for Respondents, the court passed the following:

DEVAN RAMACHANDRAN, J.

WP (C) No. 31662 of 2023

Dated this the 4th day of October, 2023.

O R D E R

The petitioners project an issue certainly deserving immediate attention by the competent respondents.

2. The petitioners say that, though the General Hospital, Ernakulam - as many other such hospitals - is fully equipped and competent to accommodate intrinsic surgeries, including in the Cardiac Department, it is not being done effectively because, there are no Cardiac Surgeons available.

3. Interestingly, on instructions, the learned Government Pleader - sri. Sunil Kumar Kuriakose, submitted that no post of Cardiac

Surgeon has ever been created in the General Hospital, Ernakulam, or in other such institutions, which comes under the Director of Health Services, and that cardiac surgeries are being done there with the aid of Surgeons from other institutions, including the Medical Colleges. He prayed that a few more days time be granted to him to place on record the details, through a written statement/pleading.

4. I certainly propose to accede to the afore request of the Government Pleader, but there are certain aspects which I believe should be placed on record, to obtain a proper perspective.

5. The General Hospitals are the mainstay of the medical requirements of ordinary citizens; and surely, therefore, are require to be maintained as splendid centres of excellence.

6. Going by preliminary information, the General Hospital, Ernakulam, is well equipped and is still caters to cardiac surgeries, though with the aid of Surgeons from other centres.

7. It has also come to the notice of this Court - and which can be taken judicial notice of - that several top ranking Surgeons are willing to offer their services altruistically to the General Hospital on specified dates; but this will require a decision to be taken initially by the superintendent of the hospital, and by the other Authorities in the hierarchy, as are apposite.

8. In fact, the learned Government Pleader submitted that this will also be kept in mind by the competent Authority, when the respond to this Court; adding that the 5th respondent is also aware of such offers having been made by certain very senior Surgeons. He submitted that, however,

a concrete decision in this regard will have to be taken at the right level; and that the matter is thus under consideration of such Authorities.

List this matter, therefore, on 12.10.2023.

Sd/-

DEVAN RAMACHANDRAN
JUDGE

SAS

