

08.10.2024
Item no.1
Court No. 35.
Kausik/Rakib

IN THE HIGH COURT AT CALCUTTA

Criminal Revisional Jurisdiction

CRR No.4515 of 2024

The State of West Bengal

-vs-

Union of India & Anr.

Mr. Kishore Dutta, Ld. A.G.,
Mr. Debasish Roy, Ld. P.P.,
Mr. Rudradipta Nandy, Ld. A.P.P.,
Ms. Sanjana Saha,

...for the petitioner/ State

Mr. Dhiraj Trivedi, Ld. D.S.G.I.,
Mr. Bankim Pal

... for the Union of India.

Mr. Billwadal Bhattacharyya,
Mr. Loknath Chatterjee,
Mr. Chandan Kumar Saha,
Mr. Gautam Sardar,
Mr. Bhaskar Bhattacharyya,
Mr. Apurbo Mondal,
Mr. Dibakar Biswas,
Mr. Raj Sharma,
Mr. Pradip Kumar Mondal,
Ms. Tiyasha Biswas,

... for the Opposite Party No.2

Mr. Samim Ahmed,
Mr. Tapan Maity,
Mr. Siddhartha S. Mondal,
Mr. Rajit Lal Moitra,
Mr. Arka Ranjan Bhattacharyya,
Mr. Gulsanara Parvin,
Ms. Ambiya Khatun,
Mr. Saloni Bhattacharya..

... for the family member of the deceased.

. Compliance report submitted by the Investigating Officer of the case be kept with the record.

Mr. Trivedi, learned DSGI appearing for the Union of India also submits that there were no complaints from the doctors of AIIMS,

Kalyani regarding cooperation being extended by the authorities of J.N.M. Hospital, Kalyani.

Mr. Billwadal Bhattacharyya learned advocate appearing on behalf of the father of the deceased submits that he has not received any instructions which were to the discomfort of the father of the deceased.

Mr. Ahmed, learned advocate appearing on behalf of the mother and family members of the deceased also submits that so far as the issue relating to post-mortem examination of the deceased is concerned, there has been no discomfort both at the J.N.M. Hospital, Kalyani and from the side of the doctors of AIIMS Kalyani. Further the State administration has provided all possible facilities for them as was directed by this Court in its order dated 06.10.2024.

This Court is disheartened by the communication made with Dr. Ajoy Mallick, Medical Superintendent of AIIMS, Kalyani on 06.10.2024.

The word "All India Institute of Medical Sciences" refers to a premier brand health organization, where common man can have the services of best of the doctors available in the Country. This is surprising that till date there is no infrastructure for conducting post mortem examination at AIIMS, Kalyani and the infrastructure of a tertiary referral hospital like J.N.M. Hospital, Kalyani had to be used for the purposes of post mortem examination by the doctors of AIIMS, Kalyani. The institution has been offering courses to best of the students across the Country at the Graduation and Post-graduation level in the field of medical sciences. So far as the services to the

citizen at large is concerned, the confidence must be reposed that every infrastructure and facility is made available within the boundary and premises of AIIMS, Kalyani. The institute is not restricted for only academic purposes but also for rendering services to patients who are suffering from acute diseases. If an AIIMS is situated within a State the common man at large should be benefited by the services of the best of the doctors who are ready, but they are not having a support system to execute their ability.

Accordingly, I direct the Secretary, Ministry of Health and Family Welfare, Government of India to ascertain the dearth in infrastructure in the institution being AIIMS, Kalyani so that the infrastructure therein is built at par with AIIMS, Delhi or AIIMS, Rishikesh. Steps be taken by the Ministry of Health and Family Welfare, Government of India to complete the infrastructure preferably by 31st December, 2025. In case any permission, license is to be granted by the State Government no deterrence or hindrance be created in granting of such license to the authorities of AIIMS, Kalyani. The State would cooperate for facilitating the services of AIIMS, Kalyani to the common people at large.

The learned Registrar General, High Court, Calcutta will communicate this Order to the Secretary, Ministry of Health and Family Welfare, Government of India as also Ministry of Health and Family Welfare Department, Government of West Bengal and efforts be taken to complete the infrastructure within the timeline as stated above by the concerned department.

There should not be any further complaint before this Court

regarding the services rendered by AIIMS, Kalyani and J.N.M. Hospital, Kalyani as the issue relating to post mortem examination which has been canvassed by the State of West Bengal before this Court in tune with the prayer of the father of the deceased, has been sub-served.

Thus, CRR No. 4515 of 2024 is disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official website of this Court.

[Tirthankar Ghosh, J]