

Court No. - 9

Case :- WRIT - C No. - 28694 of 2024

Petitioner :- Dr Arvind Gupta

Respondent :- President And Member State Consumer
Disputes Redressal Commission Uttar Pradesh

Counsel for Petitioner :- Arti Agrawal, Rahul Agarwal

Hon'ble Rohit Ranjan Agarwal, J.

1. Prayagraj is under the grip of medical mafias. Swaroop Rani Nehru Hospital attached to Motilal Nehru Medical College is in a pathetic condition. The poor and helpless patients are being dragged by the touts posted by the medical mafias in the hospital to private medical set up, and are not being treated in the hospitals attached to the medical college.

2. The Government medical set up is under great threat by the private medical mafias of the city. The present case is a classic example which has come before this Court arising out of the order passed by State Consumer Court, wherein a Professor of Motilal Nehru Medical College has treated a patient in private medical set up in the city, who had dragged the doctor concerned to the District Consumer Forum where certain orders were passed against the concerned doctor. Thereafter, the matter travelled to State Forum which upheld the order passed by district forum.

3. Assailing the order passed by District forum as well as the State forum, the matter has come up before this Court and when the Court questioned as to how the doctor was treating the patient in a private set up, when he was under the working of Government, he could not answer and special appeal was filed against the order passed by this Court. The matter has now been posted before this Court by Division Bench treating the case to

be a Public Interest Litigation.

4. This Court while taking up this Public Interest Litigation had required the Principal Secretary, Medical Health, Government of U.P. to inform the Court as to action taken by State Government against those Government doctors who were posted either in the medical colleges of the State or in the Government Hospitals who were in active private practice. Pursuant to order of this Court, a personal affidavit of Principal Secretary was filed informing that number of doctors were put under suspension and proceedings have been initiated against them. The Court, thereafter, required the State to supply the list of medical colleges to the Court. Through an affidavit, list of 42 different State medical colleges have been placed before this Court. Motilal Nehru Medical College is one of those State medical colleges having a strength of 1750 beds in the three hospitals attached to it.

5. This Court had taken up the matter of Medical College, Prayagraj and Kanpur on the priority basis and required the Principals of both medical colleges to file their personal affidavits. This Court scanned the affidavit filed by Principal of Motilal Nehru Medical College, Prayagraj wherein the details of beds in the different departments of the Swaroop Rani Nehru Hospital was given. The Court, thereafter, required the Principal to provide the details of infrastructure and the list of faculty in the said medical college as well as the hospitals attached to it. An affidavit was filed enclosing the coloured photographs of the various departments of the Swaroop Rani Nehru Hospital, *prima facie*, painting a rosy picture.

6. The Court was poised with the question as to why a Professor of Medical College having infrastructure in the hospital was treating patient in a private set up. The Court, thereafter,

appointed two young lawyers of this Court as amicus curiae and required them to inspect the hospital concerned and submit a report.

7. In the interim report submitted by amicus curiae, the pathetic condition of the Swaroop Rani Nehru Hospital was brought on record. The Court was shocked to read the report and peruse the photographs appended along with the interim report as also the videography conducted by both respective counsels.

8. The Court on 22.05.2025 after due consideration of the interim report required the assistance of District Magistrate, Prayagraj; Municipal Commissioner, Prayagraj and also directed the Chief Medical Officer, Prayagraj along with Superintendent Incharge, Swaroop Rani Nehru Hospital and Deputy SIC to be present in the Court for the better administrative functioning of the hospital attached to the medical college.

9. Pursuant to the said order, District Magistrate, Prayagraj; Municipal Commissioner, Prayagraj; Chief Medical Officer, Prayagraj, Superintendent Incharge, Swaroop Rani Nehru Hospital and Deputy SIC are present in the Court who are identified by Dr. Rajeshwar Tripathi, learned Chief Standing Counsel.

10. When the Court interacted with Sri R.B. Kamal, Superintendent Incharge of Swaroop Rani Nehru Hospital, at first he avoided the queries put by the Court. However, when confronted with the report, he revealed the entire story and condition prevailing in the Swaroop Rani Nehru Hospital. According to officer incharge, OPD starts at 8 am in the morning and continues till 2 pm in the afternoon. But most of the doctors arrive late i.e. after 9 am and after taking round they sit in their OPD. Thus, the report submitted by amicus curiae is fortified by the statement made by Sri Kamal, that when the

inspection was done, there were no doctors in the OPD.

11. Then, coming to the infrastructure of the hospital in question, he fairly submitted that the copper pipes of VRF of air conditioners have been stolen and the ACs are not in a working condition in ICU, private wards as well as the general wards. He has candidly accepted that no fans and ACs are in a working condition in ICU. He also apprised the Court that steel tap of RO was stolen which has been replaced by a plastic tap.

12. When the Court confronted as to the availability of the medicines in the hospital, he submitted that 80% of the medicines are supplied by Medical Corporation and rest of 20% required medicines are purchased by hospital itself. According to him, there is a proper supply of medicines and are being given to the patients as per the prescription of the doctors in the OPD.

13. On the said statement, Sri Ishan Deo Giri, learned amicus curiae submitted that he has specifically mentioned in the report that on inquiry from patients it has been revealed that the basic medicines such as paracetamol are being purchased by patients from the medicine shops situated outside the campus of the hospitals. He further informed that Jan Aushadhi Kendra from where the generic medicines are dispensed with, was closed when the inspection was made at around 11 am.

14. Sri Gautam Kumar, Deputy SIC, on the contrary, submitted that working of Jan Aushadhi Kendra is from 8 am to 6 pm. According to him, the said medicine shop opens around 9 am and not at 8 am. He further submitted that a tender has been placed and a new person has taken over the charge of the shop in question and he will be directed to keep the shop open from 8 am to 6 pm.

15. Now, coming to the radiology facility in the hospital in

question, Sri Kamal informed that there is one MRI Machine installed in the hospital which is functional. He further submits that out of five x-ray machines installed in the hospital, three are not in a working condition.

16. Sri Ishan Deo Giri, learned amicus curiae then placed before the Court the documents demonstrating from his report that the annual maintenance contract is for all five machines and payment is made for all five x-ray machines.

17. The officer, thereafter, informed that out of the five ultrasound machines, two are in working condition and apart from that two portable ultrasound machines are also working which when needed in different departments are transported therein within the hospital.

18. On pointed query as to the working of radio therapy machine which was sent by Central Government in the year 2016, Mr. Kamal submitted that required infrastructure has not come up for the working of the radio therapy machine in the oncology department. He also submitted that sewage system was choked, and only yesterday the initiative has been taken for getting the sewage line cleared. He also informed that internal road connecting different departments of the hospital needs repair as work undertaken by U.P. Jal Nigam for laying sewerage line has completely damaged there by causing hardship to patients.

19. It has been informed that radiology department of hospital is in chaotic state. Most of the diagnostic machines are not in a working condition. The report of Principal only reveals their number but not their working status. The interim report of amicus curiae has revealed their working status. He has also stated in his report that touts of the private diagnostic centres are roaming in the hospitals and are taking the patients for their

diagnosis to different private diagnostic centres.

20. This menace has to be stopped immediately and Superintendent Incharge has to immediately take firm action against the touts and if needed may take help of the police.

21. After interacting with the Superintendent Incharge as well as Deputy SIC of the hospital in question, this Court is shocked to note that Swaroop Rani Hospital cannot be at present called as hospital but rather a mortuary. There are no fans or ACs working in ICU, private wards and general wards. The copper pipes of the VRFs have been stolen and no effort has been undertaken by people incharge of the hospital to get the ACs functional before the summer season began.

22. Prayagraj has just witnesses Mahakumbh in the month of January-February, 2025. Swaroop Rani Hospital is just 1 km away from the mela area. According to State estimate, around 66.30 crores pilgrims took holy dip in Sangam. The medical infrastructure of the city is in shambles. It was by the grace of God that no untoward incident happened otherwise there was no medical facility available for treatment of the patients.

23. *Prima facie*, this Court finds that nexus between private medical mafias and medical officers and staffs of the Swaroop Rani Nehru Hospital has practically crippled the infrastructure and working condition.

24. The Incharge who is present in the Court has fairly admitted that Hospital lacks infrastructure and facilities. Residents of Prayagraj are facing great hardship and are unnecessarily put to financial hardship by approaching the private medical set ups for treatment.

25. The State and district administration are totally failing in providing the basic medical facilities to the residents of Prayagraj who have just witnessed the successful Mahakumbh,

2025 in the city. The earlier affidavit filed by Principal Secretary, Medical Health demonstrates that cities like Lucknow, Kanpur and Gorakhpur have hospitals with a capacity of more than 2000 beds but Prayagraj has only medical capacity of 1750 beds despite the fact that biggest religious fair on the earth was held in Prayagraj in the month of January-February, 2025.

26. The representatives of people in the Parliament and State Legislature from Prayagraj are also not taking any keen interest in the welfare and well-being of the citizens. There are Ministers in the U.P. Cabinet from Prayagraj but they have not paid any attention to the deteriorating condition of the hospital attached to the Medical College.

27. The duty cast upon the officials holding high posts has not been discharged by them in providing adequate medical facilities to the residents of Prayagraj. People have been left in the clutches of private medical setup who are charging exorbitantly for the services provided by them.

28. The failure on the part of officials of the State and District administration and people holding high posts has caused lots of suffering and misery to the poor people.

29. Time has come when the Court has to take action, as the authorities have failed in discharging their duties and are engaged with private medical set ups. The Court cannot shut its eyes and see government sectors being ruined by handful of private persons. Thus, this Court issues following directions:-

(a) The Municipal Commissioner, Prayagraj shall ensure that sewage line of the Swaroop Rani Hospital is cleared immediately and all the resources available with him are deployed in the hospital. The entire premises shall be cleaned up, within 48 hours and the Superintendent Incharge along with

the Deputy SIC shall render all possible help to the Municipal Commissioner and its employees. The Municipal Commissioner is also hereby directed to release the second installment to U.P. Jal Nigam so that the road is immediately restored. The said action shall be taken by concerned officer, within a week.

(b) The Superintendent Incharge shall provide the complete list of doctors and their OPD time for the entire week to the office of District Magistrate by evening, and District Magistrate shall get the schedule of the doctors attending OPD to be published in daily newspapers circulated in the city having large circulation. He is also directed to get the CCTV camaras restored immediately which are not in working condition as indicated in the interim report submitted by amicus curiae, within a week.

(c) The District Magistrate is directed to constitute a team of officials who shall monitor and keep check on Professor, Assistant Professor, Associate Professor, Reader and Lecturers of the Medical College indulging in private practice at the accommodation provided by Government or in any private set up. He shall also ensure that the doctors are attending the OPD regularly from 8 am to 2 pm. The residents of the Prayagraj shall also be apprised about the doctors who would be holding the OPD during the week.

(d) The District Magistrate shall also take help of the officials of U.P. Jal Nigam and Public Works Department in getting necessary internal roads repaired so that the movement of patients from one department to another department is made easy and smooth.

(e) The District Magistrate shall also ensure that drinking water is made available to the patients and their attendants in the

hospital as the officials of the hospitals who are managing the affairs have totally failed.

(f) The Chief Medical Officer, Prayagraj shall also ensure that proper sanitation drive is carried out in the area around the mortuary which is lying in shambles as the amicus curiae was not allowed to take photograph and make videography despite the orders of this Court. Prima facie, this Court finds that the officer is in contempt of the Court. However, this Court leaves the officer with a warning that he shall put his best efforts in a restoring the things in proper shape.

(g) The Commissioner of Police, Prayagraj is also directed to provide enough security guards within campus of Swaroop Rani Hospital so as to prevent the medical touts entering into the hospital.

(h) The entry of medical representatives (MR) shall be strictly prohibited during OPD.

(i) The campus/lawn of Motilal Nehru Medical College shall not be given to any person for holding marriage ceremony or private parties. The authorities shall let out only for the functions so connected with the medical college such as seminars, convocations, re-union of old students etc.

(j) The unauthorised medical shops situated outside the campus shall not be allowed to function and district authorities to take action against those persons who are illegally running the medical shops.

(k) The Principal Secretary, Medical Health, Government of U.P. is hereby directed to submit his reply to the interim report filed by amicus curiae. A copy of which has been supplied to learned Additional Advocate General and learned Chief Standing Counsel who shall convey the same to him. He is also directed to take action against all those defaulting persons and

make sure that proper infrastructure is put in place in the Swaroop Rani Nehru Hospital.

(l) The Principal Secretary shall also apprise about this order to State Government and place the same before Chief Secretary and if needed before Chief Minister for his due consideration.

(m) Superintendent Incharge shall also file his reply to the said interim report by next date fixed.

30. Put up as fresh on **Thursday next i.e. 29.05.2025 at 2:00 pm.**

31. On the next date, presence of District Magistrate, Prayagraj as well as Municipal Commissioner, Prayagraj are not required. However, Superintendent Incharge, Deputy SIC, Swaroop Rani Hospital as well as Chief Medical Officer, Prayagraj shall remain present.

Order Date :- 23.5.2025

V.S.Singh