

IN THE HIGH COURT OF SIKKIM

CIVIL JURISDICTION

WP (PIL) No.39 of 2012

Shri. Rinzing Chewang Kazi

Petitioner(s)

Versus

State of Sikkim & Ors.

Respondent(s)

BEFORE
HON'BLE THE CHIEF JUSTICE
MR. JUSTICE PIUS C. KURIAKOSE
HON'BLE MR. JUSTICE S.P.WANGDI, JUDGE

23.09.2013

Present: M/s- (Dr.) Doma T. Bhutia and S.P. Bhutia Advocates for the petitioner

M/s. J. B. Pradhan, Addl. Advocate General with S. K. Chettri, Asst. Govt. Advocate for the Respondents No.1 & 2

Mr. Mr. Karma Thinlay Namgyal, Central Govt Advocate with Thinlay Dorjee Bhutia, Advocates for the Respondent No.3.

Heard.

It is submitted by Mr. J. B. Pradhan, learned Additional Advocate General that the State has filed a reply to the " Brief Fact Finding Report" submitted by the Petitioner. He also

submitted that to the second rejoinder submitted by the petitioner, a reply has been filed by the State.

As per the affidavit termed as " Brief Fact Finding Report" filed by the Petitioner, it has itner alia been pointed out that the conditions of Gynecology Department of the S.T. N. M. Hospital at Gangtok is such that the patients of the ward are facing great hardship primarily on account of want of sufficient number of toilets. It is stated that as there are no bathrooms, the toilets area also being used for washing clothes, utensils, etc. It is further pointed out that there being only one toilet on each floor of the building housing the Gynecology wards, visitors and outsiders are also sharing the very same toilets causing serious health hazards to the patient undergoing pre and post natal care.

In reply, the State Respondents have filed an affidavit through one Dr. K. Bhandari, Director General-cum-Secretary, Heath Care, H. S. & Family Welfare Department, Government of Sikkim, admitting in substance that there is indeed shortage of toilets. In fact in paragraph-9 of the affidavit, it has been stated that the department will explore all possibilities to build new toilets for OPD patients despite space constraints. It has also been indicated that provisions for separate toilets will be made for male attendants accompanying the mother and family patients of the Gyane ward.

In view of this, it would be sufficient for us to direct the State Respondents to expedite construction of at least one more toilet on each of the floor of the building where the gynecology ward are situated. This shall be considered as the first phase of providing better facilities.

Let a report be submitted by the State Respondents within 30 days as to the progress made in this direction. The rest of the issues raised n the rport shall be considered on the next date.

List on 06.11.2013.

Sd/Judge.23/09.2013.

Sd/- Chief Justice/ 23.09.2013

