

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION NO.58 OF 2013

Vinay Vijay Nair & Ors.] ... Petitioners

Versus

Department of Health,]
 through its Additional Health Secretary,]
 State of Maharashtra & Ors.] ... Respondents

Ms. Meenaz Kakalia i/b Ms. Gayatri Singh for Petitioners.
 Mr. G. W. Mattos, AGP for State.
 Mrs. Shobha Ajithkumar for Corporation.

**CORAM :- DR. MANJULA CHELLUR, C.J., &
G. S. KULKARNI, J.**

DATE :- 17 APRIL 2017

P. C. :-

1. Apparently, the medicine required for treatment of Hemophilia in the Department of Hematology, KEM Hospital, Patel, Mumbai, which is run by Municipal Corporation of Greater Mumbai ('MCGM') has placed on record the details including the affidavit why the Head of the concerned department gave information under R.T.I. that there was shortage of supply of medicine.

2. Mr. Mattos, learned AGP for State, submits the data collected indicating that there are about 4235 patients registered

across the State of Maharashtra who are suffering from the said problem and who need regular treatment which is given free of cost at those Day-Care centres in the State of Maharashtra and as also out patients at all the district Headquarters. If supply of medicine is delayed, the treatment gets delayed and the consequences could be fatal. The procedure adopted to secure the medicine from U.S.A. has to be monitored and well in advance the procedure to secure such medicine must be completed so as to see that treatment cannot be postponed or stopped for want of medicine.

3. Even after getting the supply of medicine from abroad, if there is no proper distribution mechanism as well as supervising, again there is possibility of suffering of patients thereby the needy patients will never have the benefit of the medicine though the policy of the State is laudable when such a costly medicine is distributed free of cost. Intention behind the policy is taken well but implementation also must be properly supervised and audited, otherwise very object and purpose for which the policy was evolved, is defeated.

4. In that view of the matter, we direct the respondent authorities to place on record a proper mechanism to be evolved by the concerned Directorate of Health Services. Since tenders are to be opened today, the entire supply of each of the Day-Care centres and other hospitals will be completed within 15 to 20 days, as stated by the learned AGP, on instructions from the Assistant Director of Health Department.

5. We direct the Director of Directorate of Health Services to remain present before this Court on the next date of hearing and file affidavit with regard to the quantity of supply of medicine which would cover the registered patients as well as quantity of supply to each of the centre, by the next date of hearing, apart from placing on record mechanism in due course, as stated above.

6. Stand over to 5 May 2017.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)

