

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

WP No. 1435 of 2022

(LAW STUDENTS ASSOCIATION MP HAVING ITS REGISTERED OFFICE AT B2 SAMDARIYA RESIDENCY
NEAR BEOHARBAGH P Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Dated : 03-04-2025

Shri Alok Vagrecha - Advocate for petitioner.

Shri B.D. Singh - Deputy Advocate General for respondents/State.

Forth action taken report was filed on 3.4.2024 wherein it is stated in
paras 11 to 16 as under :-

"11. During the course of hearing it was also brought out before this Hon'ble Court that the said notice dated 14.03.2024 could be served on the CMHO only on 21.03.2024 at 2:15 PM for the reasons that he was on leave.

Hence, this Hon'ble Court, after considering the same, permitted the State counsel for furnish further progress report by the next date, i.e., 03.04.2024.

Hence, this fourth action taken report is being filed.

12. It is humbly submitted that within the prescribed time limit of 7 days as stipulated in the aforesaid show cause notice dated 14.03.2024 since no reply was received by the authority who had issued the said notice, an ex-parte order dated 28.03.2024 was passed by the State Government taking a decision to issue another charge-sheet to the delinquent for conducting departmental enquiry against him wherein the names of the Enquiry Officer as well as the Presenting Officer were also mentioned, with a further direction that the said departmental enquiry is to be completed and the enquiry report is to be submitted within a period of one month, a copy whereof is filed herewith as ANNEXURE R/41.

13. Accordingly, the charge-sheet dated 28.03.2024 was issued to the delinquent, a copy whereof is filed

herewith as ANNEXURE R/42, which was served on the delinquent on the same day at about 5:45 PM, as is evident from the acknowledgments in respect thereof filed herewith collectively herewith as ANNEXURE R/43.

14. Besides the aforesaid the State Government has also issued a show notice dated 26.03.2024 to the Presenting Officer of the earlier departmental enquiry to show cause as to why the callous manner in which the said departmental enquiry was conducted be not regarded as a misconduct within the meaning of clause(i),(ii) & (iii) of sub-rule (1) of Rule 3 of the MP. Civil Services (Conduct) Rules, 1965 and a disciplinary action be not against him, a copy whereof is filed herewith as ANNEXURE R/44.

15. A similar notice dated 26.03.2024 to show cause was also issued to the enquiry officer of the same departmental enquiry proposing to remove/relieve him from the post occupied by him, a copy whereof is filed herewith as ANNEXURE R/45.

16. As such, in accordance with the principles of natural justice as well as the explicit service rules applicable to the Department reasonable time period shave been given to the delinquents to proceed against them and though till date no response has been received on their behalf but, no sooner response is received or otherwise the time periods given to them lapse, the answering respondents shall proceed ahead in accordance with law against them and shall also bring on record the further developments in the matter immediately thereafter."

Thereafter, no status report is filed for the reason that the matter was lastly listed on 24.04.2024. It is informed by the counsel for the State that after filing the last status-report by order dated 28.03.2025 the licences of two hospitals, namely, Apple Hospital situated at Sharda Chowk, Vedi Nagar Nagpur Road, Jabalpur and Kothari Hospital situated at Subhadra Kumari

Chouhan Ward, Gate No.4, Jabalpur have been cancelled.

The respondents are directed to file a fresh status report for the action being taken against the erring hospitals within four weeks.

The report dated 01.08.2022 prepared by the four members' committee appointed by the State Government was produced before this Court and the same was directed to be returned by the Registry in a sealed cover after obtaining a photocopy of the same.

Grievance of the petitioner is that though some of the doctors, issued an inspection report in favour of New Life Multispeciality Hospital and based upon their inspection report, the CMHO, Jabalpur issued the licence to the said hospital, but the said report was not found up to the mark. However, no action has been taken against those doctors.

Since four members' committee has been appointed by the State Government to look into the issue raised in the present petition and report has already been submitted, therefore, we hereby direct the State that the report of the committee shall be furnished to the concerned Station House Officer of the Police Station, which will be used in investigating the case in FIR No.195/2022 registered at Vijay Nagar Police Station, Jabalpur.

Counsel for the petitioner has supplied a copy of the questionnaire to the counsel for the State.

As informed by the counsel for the State that the job of the committee is over and whatever reports are submitted to the State, the State is on the advanced stage to take action against the erring officers. As the counsel for the petitioner has supplied a copy of the questionnaire to the counsel for the

State, the State is directed to take it into consideration and thereafter to take action as per law.

Reply be filed within two weeks. In reply to be filed by the State, they will also indicate as to what action has been taken upon the questionnaire or whether the questionnaire has been taken into consideration or not.

List after six weeks.

(SURESH KUMAR KAIT)
CHIEF JUSTICE

(VIVEK JAIN)
JUDGE

SKM