

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE – CIVIL
PUBLIC INTEREST LITIGATION NO.133 OF 2007
WITH
CIVIL APPLICATION NO.59 OF 2008
IN
PUBLIC INTEREST LITIGATION NO.133 OF 2007

Dr. Rajendra Sadanand Burma
and another

.... Petitioners

Vs.

The State of Maharashtra
and others

.... Respondents

WITH

CIVIL APPLICATION NO.87 OF 2009

IN

PUBLIC INTEREST LITIGATION NO.133 OF 2007

Bandu Sampatrao Sane

.... Applicant

Vs.

The State of Maharashtra
and others

.... Respondents

WRIT PETITION NO.3278 OF 2010

Purnima Upadhyay

.... Petitioner

Vs.

Addl. Chief Secretary, Health, Govt.
of Maharashtra

.... Respondent

CIVIL APPLICATION NO.1183 OF 2012

IN

WRIT PETITION NO.3278 OF 2010

Purnima Upadhyay

.... Petitioner

Vs.

Dr. Madhukar Gumble

.... Respondent

CIVIL APPLICATION NO.2815 OF 2013

IN

WRIT PETITION NO.3278 OF 2010

Indavi Tulpule

.... Petitioner

Vs.

Purnima Upadhyay

.... Respondent

WRIT PETITION NO.3561 OF 2013

Nawalsingh Ramlal Mawaskar
and another

.... Petitioners

Vs.

The Principal Secretary,
Tribal Development and others

.... Respondents

WRIT PETITION NO.3589 OF 2011

Kastruba Adivasi Mahila Bahu
Uddeshiya Mandal Pohara and
another

.... Petitioners

Vs.

The State of Maharashtra
and others

.... Respondents

PUBLIC INTEREST LITIGATION NO.68 OF 2010

Banday K.S. and another		Petitioners
Vs.		
State of Maharashtra		Respondent

PUBLIC INTEREST LITIGATION NO.105 OF 2011

Court on its own Motion through the Registrar General		Petitioner
Vs.		
Additional Chief Secretary, Health, Govt. of Maharashtra and others		Respondents

CIVIL APPLICATION NO.115 OF 2013

IN

PUBLIC INTEREST LITIGATION NO.105 OF 2011

Malgaonkar Bhushan Pandurang		Petitioner
Vs.		
Bombay High Court on its own Motion, through the Registrar General		Respondent

AND

PUBLIC INTEREST LITIGATION NO.181 OF 2013

Nitin Dashrath Borade		Petitioner
Vs.		
The Chief Executive Officer, Zilla Parishad, Pune and others		Respondents

Ms Purnima Upadhyay, Petitioner, in-person in WP-3278/2010.

Ms Gayatri Singh for the Petitioners in WP-3561/2013, PIL-105/2011, CA-87/2009, CAW-1183/2012 and CAW-2815/2013.

Mr. S.P. Thorat for Respondent Nos.1 to 15 in PIL-181/2013.

Ms Kirti Taralkar i/b Ms Neha Bhide, "B" Panel Counsel for the Respondent-State.

CORAM: V.M. KANADE &
P.D. KODE, JJ.

DATED: JULY 24, 2014

P.C:

1. Further affidavit has been filed on behalf of the petitioner in Writ Petition No.3278 of 2010, which is taken on record. In the further affidavit, subsequent developments which have taken place after the various directions which were given by this Court have been noted. Firstly, it is submitted in the said affidavit that there is discrepancy in the figures which are mentioned in the information provided by DHIS-2 in respect of child deaths and still born children and the report of Mother and Child Welfare Department, Zilla Parishad, Amravati. Secondly, it is stated that malnutrition deaths in Melghat region have increased and the Government has not correspondingly taken

care to appoint Paediatricians, Gynaecologists, Anaesthetists and doctors in the said region. Thirdly, it is stated that though this Court, by order dated 3-9-2013, had directed that a Core Committee be set up on the issue of malnutrition, this direction has not been complied with and in fact no meeting has been held after March, 2014. It is also stated in the affidavit that the directions which are given by the Director, Medical Education and Research, in the meeting held on 4-2-2014, have not been adhered to and no further action has been taken thereafter. Lastly, it is stated that as per the information obtained from the Government documents, there are 9640 moderately underweight children and 3808 severely underweight children in the Melghat region. As per the other classifications which have been made, there are 2832 moderately acute malnourished children and 534 severely acute malnourished children.

2. We are of the view that it is necessary to provide nutrition as well as health services to the affected children through the Integrated Child Development Scheme and the

Public Health Department. We accordingly direct the State Government to provide immediately nutrition as well as health services to these affected children.

3. We are informed that sufficient funds have been provided by the Central Government and the State Government. However, these funds are flittered away and the monetary help and services which are made available for the malnourished children are misappropriated. In fact, in one of the PILs we have ordered an inquiry to be made by appointing a committee which is to be headed by a retired Judge of this Court. We expect a report from the State Government on the next date about the steps taken by them in providing nutrition as well as health services to the affected children. We also direct the State Government to take steps forthwith within a week to ensure that food and other medical services are provided to the moderately underweight children, severely underweight children, moderately acute malnourished children and severely acute malnourished children. The State Government, while providing

nutrition as well as health services, should take into consideration the diet of this children and accordingly provide nutritional supplement and food as per their requirements. We also direct the State Government to ensure that people who are working there should get their salary in time. A report be submitted to this Court within two weeks.

4. Stand over to **14-8-2014**, at 3:00 p.m..

(P.D. KODE, J.)

(V.M. KANADE, J.)