

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

***PUBLIC INTEREST LITIGATION NO. 133 OF 2007
WITH
CIVIL APPLICATION NO. 59 OF 2008
WITH
CIVIL APPLICATION NO. 57 OF 2018
WITH
CIVIL APPLICATION NO. 56 OF 2018
IN
PUBLIC INTEREST LITIGATION NO. 133 OF 2007***

Dr. Rajendra Sadanand Burma & Anr. ...Petitioners
Versus
The State of Maharashtra & Ors. ...Respondents

***WITH
CIVIL APPLICATION NO. 87 OF 2009
IN
PUBLIC INTEREST LITIGATION NO. 133 OF 2007***

Bandu Sampatrao Sane ...Applicant
Versus
The State of Maharashtra & Ors. ...Respondents

***WITH
CIVIL APPLICATION NO. 175 OF 2014
IN
PUBLIC INTEREST LITIGATION NO. 133 OF 2007***

Malgaonkar Bhushan Pandurang ...Applicant
Versus
Dr. Rajendra Sadanand Burma & Anr. ...Respondents

WITH
CIVIL APPLICATION (ST) NO. 35428 OF 2013
IN
PUBLIC INTEREST LITIGATION NO. 133 OF 2007

Dr. Rajendra Sadanand Burma & Anr. ...Petitioners
Versus
The State Of Maharashtra
Through its Chief Secretary & Ors. ...Respondents

Mr. Jugal Gilda, Senior Advocate a/w Ms. Shraddha Achaliya for the
Petitioners in PIL/133/2007

Ms. Sonali Chavan i/b Mr. Uday P. Warunjikar for the Petitioner in
WP/3589/2011

Mr. Bandu S. Sane, Applicant in-person in CAI/87/2009

Mr. Bhushan P. Malgaonkar, Applicant in-person in CAI/1175/2014

Mr. B. V .Samant, Addl.G.P a/w Mrs. G. R. Raghuwanshi, A.G.P,
Mr. S. P. Kamble, A.G.P & Ms. P. M. Joshi Deshpande, A.G.P for the
Respondent No.1-State

Mr. Y. R. Mishra a/w Mr. D. A. Dube a/w Mr. Sachidanand T. Singh
for the Respondent No.6 – Union of India

Dr. Nipun Vinayak, Secretary-1, Public Health Department (Through
VC), is present

Mr. Vijay B. Waghmare, Secretary, Tribal Development Department
(Through VC), is present

Mr. Machhindranath Shelke, Joint Secretary, Tribal Development
Department (Through VC), is present

Mr. Kailash Pagare, Commissioner, ICDS (Through VC), is present

Ms. Priyanka Kamble, Under Secretary, is present

Mr. Pramod Salvi, Legal Consultant, is present

Dr. Amitkumar Patil, ADHS PHD, is present

Mr. Kishor Nalawade, ASO Public Works Department, Mantralaya, is present

Mr. R. Y. Patil, Superintending Engineer, Amravati, PWD, is present

**CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.
THURSDAY, 18th DECEMBER 2025**

P.C :

1 Pursuant to our order dated 25th November 2025, Mr. Vinayak, the Principal Secretary, Public Health Department, as well as the Principal Secretary, Tribal Development and Women and Child Development Department, visited Melghat on 5th December 2025 to assess the prevailing situation and to look into the grievances as set out in the order dated 25th November 2025. Some of the petitioners also visited Melghat along with the said officers.

2 Today, Mr. Samant has tendered a report of the Committee constituted pursuant to the said order, which visited Melghat on 5th December 2025. The said report is taken on record, and a copy thereof is served upon Mr. Gilda, learned counsel appearing for one of the petitioners, as well as upon the other petitioners. They all seek time to go through the said report.

3 Mr. Gilda, learned counsel, submits that subsequent to the order dated 25th November 2025, four more children and two mothers have lost their precious lives. He submits that one of the mothers expired on account of the absence of a gynecologist at the Primary Health Centre/Rural Hospital and that the said mother died while being shifted to Amravati. He further submits that there is an acute shortage of gynecologists and pediatricians at the Primary Health Centres, resulting in loss of lives not only of children but also of mothers. He submits, that the petitioners in general, submits that in some of the areas, i.e.

Kalamkhar, Bairagad, Sadrabadi, Dhulghat Railway, Hatru, though Primary Health Centres exist, the absence of gynecologists and pediatricians has led to a higher incidence of maternal and infant deaths.

4 Mr. Samant, learned Addl. G.P does not dispute that there are no permanent or full-time gynecologists or pediatricians posted at the Primary Health Centres in the concerned areas and that the doctors presently deployed, are on deputation. In addition to the report, Mr. Samant has also tendered a Power Point presentation prepared by Dr. Nipun pursuant to his visit to Melghat. The same is taken on record. A copy thereof is also served upon the learned counsel appearing for the petitioners.

5 At this stage, Dr. Nipun submits that despite appointment orders having been issued, the doctors are reluctant to report for duty in the said areas.

6 Be that as it may, it is the duty of the State Government to ensure that adequate medical facilities and treatment are made available to the residents of these areas.

7 Accordingly, we direct the Principal Secretary / Joint Secretary, Public Health Department, in coordination with the Principal Secretary / Joint Secretary, Women and Child Development Department, to ensure that gynecologists and pediatricians are deputed to all the aforesaid areas within a period of one week from today.

8 Dr. Nipun has appeared through video conferencing, and the aforesaid order is passed in his presence to enable him to take prompt and appropriate steps for posting gynecologists and pediatricians in the aforesaid five areas.

9 The Principal Secretary / Joint Secretary, Women and Child Development Department and the Tribal Development Department to again appear before us through video conferencing on the next date of hearing.

10 Stand over to 19th January 2026. To be listed at 3.00 p.m.

SANDESH D. PATIL, J.

REVATI MOHITE DERE, J.