



IN THE HIGH COURT OF ORISSA AT CUTTACK

SUO MOTU W.P.(C) PIL No.2140 of 2020

**Registrar (Judicial),
Orissa High Court, Cuttack Petitioner**

Er. N.K. Mohanty, Amicus Curiae

-versus-

State of Odisha & others Opp. Parties

*Mr. Debasis Nayak-A,
Addl. Govt. Advocate &
Advocate for CMC*

*Mr. Partha Sarathi Nayak,
Addl. Govt. Advocate*

*Mr. Bijay Kumar Dash, Advocate
President of Orissa High Court
Bar Association*

CORAM:

JUSTICE S.K. SAHOO

JUSTICE V. NARASINGH

ORDER

09.01.2025

Order No.

This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

**S.C.B. MEDICAL COLLEGE AND HOSPITAL
PROBLEMS**

228.
09.01.2025

As per order no.225 dated 19.12.2024, when the Advocates' Committee submitted the report after their visit to S.C.B.M.C.H., Cuttack that for



functioning of additional ward of 29 patients created in the Cardiology Department, additional staff might be required and also raised the issue of broken air conditioners and walls and roofs to be repaired, Professor Dr. Lucy Das, Dean and Superintendent in-charge, S.C.B.M.C.H., Cuttack assured this Court that the concern of the Advocates' Committee regarding replacement of the air conditioners and repair of walls and roofs would be taken care of. This Court directed for submission of the compliance report in that respect.

Today, learned counsel for the State has produced the point wise action taken report dated 07.01.2025 wherein under the heading of deployment of staff for functioning of additional ward, it is mentioned that 9 nos. of Nursing Officers are deployed vide office letter dated 07.12.2024 in the newly created ward with appropriate numbers of multi skilled attendants, security and sanitary workers for smooth running of the unit. The office letter has been annexed to the report.

Similarly, under the heading of "present status as on 07.01.2025" relating to *replacement of the air conditioners*, though it is mentioned that ten nos. of air conditioners shall be installed on the ground floor of Cardiology building by 09.01.2025, but the



learned counsel for the State so also Dr. Abinash Rout, O.A.S., Registrar (Administration), S.C.B.M.C.H., Cuttack submitted that ten nos. of air conditioners have already been installed on 08.01.2025.

Dr. Rout, Registrar (Administration) further stated that more numbers of air conditioners are required in Cardiology Department in the 1st, 2nd & 3rd Floor in different wards and for such purpose, tender has already been floated and the installation work of air conditioners would be completed by the end of January 2025.

So far as renovation of walls and roof of Cardiology Department is concerned, in the point wise action taken report, it is stated that estimate for inside and outside painting of the Department has been framed and tender has been floated on 07.01.2025. Dr. Rout, Registrar (Administration) stated that two months time would be required for completion of renovation of walls, roof and also for colouring of the entire Cardiology Department.

Procurement of Electro Convulsive Therapy (ECT) Machine:

When the Advocates' Committee report was placed on 19.12.2024, it was indicated therein that HoD of Mental Health Institute apprised the



Committee regarding the requirement of one more ECT (Electro Convulsive Therapy) machine and services of one Anesthesia Doctor on permanent basis.

Prof. Lucy Das who was present on that day in Court informed us that Dr. Sarada Prasad Swain is at helm of affairs. Accordingly, Dr. Swain is present in Court today.

Learned counsel for the State has produced a letter dated 08.01.2025 issued by the GM Operation (Equipment), OSMCL wherein it is stated that the tender for computerized Ultra Brief ECT machine was floated by OSMCL vide BID Ref. NO.-OSMCL/2023-24/Psychiatric_EQP/22 on 13.03.2024. As the same which was resulted in Non Responsive Bid, the same was cancelled. It is further mentioned that for Computerized Ultra Brief ECT Machine fresh tender shall be floated by OSMCL within 15th January 2025. And, if the tender for the same is successful, then the tentative timeline for issuance of purchase order for the said item will be March-2025. It is also stated that the tentative timeline for supply of Computerized Ultra Brief ECT Machine to MHI-S.C.B.M.C.H., Cuttack will be June-2025 since the delivery period is 90 days from issuance of purchase order. The said letter is taken on record.



Dr. Sarada Prasad Swain submitted that Electro Convulsive Therapy (ECT) is adopted as the last resort in case patients do not respond to medications and pharmacotherapy. For application of ECT, the assistance of anesthesiologist is necessary. Since such therapy is being resorted to only on Tuesday and Friday, one doctor from the Department of Anesthesiology and Critical Care is provided for such purpose.

Learned counsel for the State has also produced a letter dated 08.01.2025 issued by the Registrar (Administration), S.C.B.M.C.H., Cuttack wherein it is mentioned that Dr. Sumanta Kumar Dansana has been deployed to the Mental Health Institute, S.C.B.M.C.H. on Tuesday and Friday of each week w.e.f. 07.01.2025 for operation of ECT. The letter is taken on record.

Learned counsel for the State stated that steps are being taken to fill up the permanent post of Anesthesia Doctor in the Psychiatric Department.

Procurement of Visual Perimeter:

On the previous sitting i.e. on 19.12.2024, the Advocates' Committee placed a news item dated 17.12.2024 published in the local Odia daily newspaper in which it is reported that Visual Perimeter machine, which costs around Rs.15 lakhs



is not functioning since last five years in the Ophthalmology Department of S.C.B.M.C.H. and it needs repair or replacement and neither any step has been taken for its repair nor a new Visual Perimeter Machine has been procured by the authorities.

On that day Smt. Aswathy S, Health Secretary, Govt. of Odisha appeared through virtual mode and assured this Court that problem relating to non-availability of Visual Perimeter Machine shall be sorted out.

Today, learned counsel for the State has produced the letter dated 06.01.2025 issued by the G.M Operation (Equipment), OSMCL wherein it is stated that the tender for visual perimeter has already been floated by OSMCL vide Bid Ref. No.- OSMCL/2023-24/Ophthalmic EIF_EQP/16 against which the technical evaluation of bid has already been completed. It is further mentioned that since the referred tender has resulted in single responsive bid, the same shall be placed before the High Level Procurement Committee for further processing of this single bid item. It is further mentioned that if the High Level Procurement Committee considers and recommends for approval of same, then the estimated timeline for issuance of purchase order for



the said item will be within FEB-2025. It is stated that the tentative timeline for supply of visual perimeter to the Ophthalmology Department of S.C.B.M.C.H., Cuttack will be May-2025 since the delivery period is 90 days from issuance of purchase order as per the tender. The said letter is taken on record.

Provision of Echo machines for patient care

On the last date i.e. 19.12.2024, Professor Dr. Lucy Das submitted an action taken report dated 17.12.2024 wherein it was mentioned that tender for Echo machines with TEE probe has already been floated by OSMCL against which the technical evaluation of bid has already been completed and tentative timeline for finalization of tender of Echo machine with TEE probe will be by 31st December 2024 and the tentative timeline for supply of Echo machine with TEE probe to the Cardiology Department of S.C.B.M.C.H. will be March 2025.

Dr. Abinash Rout, O.A.S., Registrar (Administration) submitted that tender has not yet been finalized.

Mr. Debasish Nayak-A, learned counsel for the State also submitted that he shall apprise this Court on the next date as to when the tender will be finalized.



Functionalization of emergency care unit beyond OPD hour from 5 p.m. to next day 9.00 a.m. everyday of the Cardiology Department:

As per the order dated 19.12.2024, learned counsel for the State has produced the point wise action taken report dated 07.01.2025 wherein under the heading of "present status as on 07.01.2025" of the issue relating to the *functionalization of emergency care beyond OPD hour from 5.00 p.m. to next day 9.00 a.m. every day*, it is mentioned that the emergency care of Cardiology Department beyond OPD hour from 5.00 p.m. to next day 9.00 a.m. every day has already been functionalized in the newly shifted non-trauma casualty building with effect from 31.12.2024. It is further mentioned that at present 5 nos. of beds with required instruments and equipments are earmarked for the purpose. The doctors of Cardiology are deployed for the unit 24x7. The name of doctors shift wise is also being displayed in the LED display. The duty list of Cardiology doctors (for the month of January 2025) deployed for emergency care is intimated by the HOD, Cardiology vide office letter no.19 dated 06.01.2025.

A video clipping regarding functionalization of the emergency care unit of Cardiology Department is



displayed in Court.

Opening of another Aahar Centre in S.C.B.M.C.H., Cuttack:

The Commissioner, Cuttack Municipal Corporation has filed a compliance report dated 07.01.2025 wherein it is mentioned that on 24.12.2024, the tender for "construction of 2nd unit of Aahar Kendra at S.C.B. Medical College & Hospital Campus, Cuttack in Ward No.35" was opened, but it shows that only one bidder participated in the tender process and since, it was a single tender, as per the OPWD Code, the said tender was cancelled and fresh tender has been invited and the date of opening of the re-tender has been fixed on 08.01.2025.

Mr. Debasish Nayak-A, learned Addl. Govt. Advocate on instruction submitted that on 08.01.2025, the tender was opened and within fifteen days, the work order will be issued.

Regarding tender for electrical works for new Aahar Centre, it is mentioned that the said tender has been opened and work order will be issued to the selected bidder within 15 days. The compliance report is taken on record.



Renovation of Mission Shakti Café in S.C.B.M.C.H., Cuttack:

Dr. Abinash Rout, Registrar (Administration), S.C.B.M.C.H. submitted that renovation work of Mission Shakti Café in S.C.B.M.C.H., Cuttack in the open space of Dean Office Campus has already started and within a month, it is likely to be completed and it would be made functional for 24x7.

Post of Superintendent of S.C.B.M.C.H., Cuttack lying vacant:

Mr. Debasish Nayak-A, learned counsel for the State submitted that process for filling up of the post of Superintendent of S.C.B.M.C.H., Cuttack which is lying vacant for some months is on and it is likely to be finalized and the post would be filled up within two weeks.

List this matter on 06.02.2025. We expect the post to be filled up soon.

Learned counsel for the State shall apprise this Court about the status of filling up of the post of Superintendent, S.C.B.M.C.H., Cuttack on the next date.

Procurement of MRI & CT Scan machine:

Dr. Usharani Sahoo, Addl. Director, Health & Family Welfare Department appearing through virtual mode submitted that the Govt. has accorded



approval to the contribution of Rs.46,34,80,000/- (rupees forty six crores thirty four lakhs eight thousand) made by Mahanadi Coalfields Limited under the CSR initiative for procurement of MRI & CT Scan machine for the Neurosurgery Department and Cardiology Department and the approval letter has been submitted to the MCL and now, the money would not be returned unutilized.

However, learned counsel for the State submitted that the tender has not yet been floated by OSMCL and the matter may be taken up next week so that he will apprise this Court about the status of the tender.

List this matter on 16.01.2025.

Dr. Poma Tudu, I.A.S., Managing Director, OSMCL shall appear through virtual mode/in person on that day to apprise this Court regarding the status of the tender floated by OSMCL for the procurement of ECT machine for Mental Health Institute, visual perimeter for Ophthalmology Department, Echo machines for patient care in the Cardiology Department of S.C.B.M.C.H., Cuttack so also the procurement of MRI & CT Scan machine.

Mr. Bibhu Prasad Tripahty, Advocate who usually appears for OSMCL submits that he would communicate the order to Dr. Poma Tudu, Managing



Director, OSMCL.

Plights of attendants of the patients inside the campus of S.C.B.M.C.H., Cuttack:

On 19.12.2024 when the Advocates' Committee brought to the notice of this Court relating to the suffering of the attendants of the patients inside the campus of S.C.B.M.C.H., Cuttack who are sleeping under the open sky even in this winter as published in a news item in the local Odia daily, Smt. Aswathy S, Health Secretary, Govt. of Odisha made a statement appearing through virtual mode that the Govt. is committed to provide lasting solution to the patients and their attendants in the S.C.B.M.C.H., Cuttack.

As per the order dated 19.12.2024, learned counsel for the State has produced the point wise action taken report dated 07.01.2025 wherein under the heading of *Plights of attendants of the patients inside the campus of S.C.B.M.C.H., Cuttack*, it is mentioned that after shifting of the non-trauma casualty to a specious building near RSIC, the vacant building adjacent to old medicine (previously used as non-trauma) is being utilized for the purpose of patient attendant shed with all basic minimum facilities including sitting arrangements, drinking water facility and mobile charging provisions w.e.f.



02.01.2025. It is further mentioned that at present, there are 6 nos. of patient attendant sheds in the old medicine, O & G Campus, Respiratory Medicine, Orthopedic Department Campus and another 2 nos. of attendant sheds are under process of construction by R & B Department which would be completed by end of February 2025.

This Court deeply appreciates the prompt steps taken by the Govt. in functioning of additional ward in the Cardiology Department and functionalization of emergency care unit beyond OPD hour of the Cardiology Department in the non-trauma casualty building and providing the attendant sheds in the S.C.B.M.C.H. Campus within time frame as per the assurance given by the Health Secretary and also the untiring efforts and commitment of the Advocates' Committee to ensure that grievance of the patients and attendants are duly redressed.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

STACKING OF GARBAGE ON THE RIVER BED OF MAHANADI AND SETTING FIRE TO IT:

229.
09.01.2025

A news item has been published today in a daily local newspaper under the caption of "ABARJANA RE



POTI HEUCHI MAHANADI, CMC RA SWACHHATA MISSION EMITI" wherein it is stated that hundreds of tons of garbage are generated from different wards of C.M.C. every day and instead of such garbage being taken to the dumping yard, it is being dumped on the riverbank of Mahanadi, as a result thereof, a mountain of garbage has been created on the riverbank over time. Sometimes fire is set to such garbage to destroy it, which has become a daily feature. The persons residing near the riverbank and the general public are facing immense difficulties on account of smoke and pollution from the garbage and firing to such garbage. It is further reported that even though the Cuttack Municipal Corporation (CMC) is spending crores of rupees on sanitation management, questions are being raised about this kind of uncleanliness. Moreover, C.M.C. is openly violating NGT rules. This relates to Ward No.48 and 49 of C.M.C.

Let Commissioner, C.M.C. along with other officials visit the spot and if there is authenticity in the news item published, immediate steps shall be taken within a week to remove the entire garbage from the bank of river Mahanadi to the prescribed dumping yard and setting the garbage on fire at that spot should be stopped immediately. A report shall



be submitted with photographs within two weeks regarding the steps taken in that respect. A copy of the report shall be furnished to the President of the Orissa High Court Bar Association so that he can ascertain the status through the counsel of Ward No.48 and 49 in the Advocates' Committee.

List this matter on 13.02.2025.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

SARDAR VALLABHBHAI PATEL POST GRADUATE
INSTITUTE OF PAEDIATRICS (SISHU BHAWAN)

230.
09.01.2025

As per order no.226 dated 19.12.2024, this Court directed the Secretary, Health, Collector, Cuttack, DCP, Cuttack and Commissioner of CMC to remain present either through V.C/in person to assist this Court in addressing the issue relating to SVPPGIP (Sishu Bhawan).

In compliance of the said direction, Superintendent, SVPPGIP (Sishu Bhawan) who appears through virtual mode places a letter dated 07.01.2025 in Court stating thus :



"xxx xxx xxx

.....SVP PGIP, Cuttack is a tertiary care pediatric hospital. On functionalisation of its new G+6 Multi utility hospital, all OPDs along with wards will function in this new building (near to ring road side) and some wards and investigation units will function in old existing building. The new gate has been constructed besides the ring road for both entry and exit facility to the new G+6 Multi utility hospital building, which is broad enough for passing the vehicles. Other existing gate at ring road side will also facilitate for in & out service for the patients along with their attendants. With these two gates at ring road side, the patient care services can be managed effectively and no obstacles will be faced by the patients and their attendants.

The rear side (Chandinichowk/Lalbag) gate of SVP PGIP is very close to the residential quarters of doctors & staff of SVP PGIP, Cuttack and as there is very much traffic rush in chandinichowk/lalbag side road during the day time and normally the patients cannot have easy access to the hospital by this gate. After functioning of the G+6 hospital, the bed strength will be increased to 846 beds and on an average of 600-700 OPD patients will attend at SVP PGIP and with their attendants (at least two persons with each child), around 4000 to 5000 people will step inside this small campus daily. Therefore, on opening of the rear gate, there's a strong chance that the internal road of SVP PGIP will become further overcrowded, accident prone with more of pollution by the entry of outsider's vehicles through this gate.



Therefore, the rear gate (Chandinichowk/ Lalbag) side may be closed by evicting unauthorized shopkeepers and the boundary of SVP PGIP will be reconstructed accordingly.

xxx xxx xxx”

In compliance of the said direction, the DCP, Cuttack places a letter dated 07.01.2025 relating to encroachment at the rear gate of the Sishu Bhawan (Lalbag side) and it reads as under:-

“xxx xxx xxx

i. A small round gate is available on the rear gate (Labag side) which is being used by the pedestrians to meet their requirements. The space taken by vendors can be used for parking of all the vehicles after their shifting from that area. It is desirable also that no vehicle is allowed inside the campus from the rear gate (Lalbag Side) and only pedestrian entry is allowed from this rear gate.

ii. It is a tertiary care hospital which provides specialized healthcare treatment for complex and critical disease of pediatric patients. The ring road is wide and free for movement of Ambulances, Patients, Attendants, Doctors and para-medical staff. Hence, there is no inconvenience to any patient because of the closure of the rear gate (Lalbag Side).

iii. The road running on back side (rear gate, Lalbag side) from Chandin Chowk to Honourable High Court side is being used by the commuters, local inhabitants, shopkeepers, Learned Advocates, students of Ravenshaw Collegiate School, students of Govt. Primary School, people going to Jagannath temple, staff of RDC office and other offices. It is already a congested road. If the rear gate (Lalbag side) of



the Sishu Bhawan is opened, it would cause serious traffic congestion for the daily users as well as to the patients, attendants, Hospital staff etc.

xxx xxx xxx”

In compliance of the said direction, the Commissioner, CMC submitted the following letter dated 20.12.2024 :-

“xxx xxx xxx

1. Amongst the street vendors vending at the rear gate (Lalbag Side) of Sishu Bhawan, 19 nos. of street vendors were found to be issued with the street vendors identity card and certificate of street vendors by CMC on Dt.15.07.2020 and which are valid till Dt.14.07.2025. 5 nos. of remaining street vendors vending at the said site failed to produce any document in support of their claim.
2. Due to the street vending activities at aforementioned gate of Sishu Bhawan, the gate is permanently closed and it is not being used currently by general public.
3. The street vending activities at the aforementioned gate is leading to traffic congestion and is obstructing the free movement of pedestrians. Furthermore, the street vendors are causing unhygienic condition near the hospital premises leading to public nuisance.
4. In view of above factors and in greater public interest, Hon'ble High Court of Orissa has directed to remove the street vendors from the aforementioned location, following due procedure of law.
5. To carry out the directions given by Hon'ble High Court, the TVC members unanimously decided to carry out the eviction and



rehabilitation procedure as prescribed under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 Under section 18.

6. A 7 days' notice shall be given to each affected Street Vendors to provide them reasonable opportunity of being heard before any further action is taken by CMC.

xxx xxx xxx"

Mr. Nayak, learned counsel for the CMC submitted that because of the pre-occupation of the CMC Commissioner, hearing pursuant to the show cause notice issued to the Street Vendors could not take place on 07.01.2025 and such hearing is rescheduled for 16.01.2025.

Taking note of the same, list this matter on 30.01.2025.

During the course of hearing the President, High Court Bar Association raised a concern that access to Sishu Bhawan from Ring road side is impeded because of unauthorized vending like Pan shop, tea stall etc. Steps to make the access hindrance free from Ring road side shall be considered on the next date (30.01.2025).

G+6 Multi-Utility Hospital of SVP PGIP

As per order no.226 dated 19.12.2024, this Court directed the Superintendent, SVP PGIP to file an affidavit regarding time line for shifting and



functionalization of G+6 multi utility hospital and PG hostel building.

In pursuance of the said direction, Superintendent, SVP PGIP filed an affidavit in Court stating as follows:-

Sl. No.	Description	Action taken	Time line
1.	Functioning of Oxygen Manifold	Under process	By 31.01.2025
2.	Taking over of Hospital Building and Hostel	Under process	By 31.01.2025
3.	Shifting of administrative and academic block (5th and 6th Floor)	Under process of cleaning	By 10.02.2025
4.	Shifting of OPD (Ground Floor)	Under process of cleaning	By 15.02.2025
5.	Shifting of Pediatric Medicine Ward (1st Floor)	Under process of cleaning	By 25.02.2025
6.	Completion of Modular O.T. (4th Floor)		By 30.06.2025
7.	Shifting of Surgical Ward (4th Floor)		By 31.07.2025
8.	Shifting of ICU, NICU & PICU (2nd Floor)		By 31.08.2025
9.	Shifting of Newborn Ward (3rd Floor)		By 30.09.2025
10.	Full functionalization		By 31.12.2025

Learned counsel for the State is called upon to intimate this Court regarding the process of "Functioning of Oxygen Manifold" and "Taking over of Hospital Building and Hostel" on the next date i.e. on 06.02.2025 since the scheduled date is 31.01.2025.

It was stated by Mr. Nayak, learned counsel for the CMC that on account of her engagement in connection with Pravasi Bharatiya Divas, 2025 the Commissioner-cum-Secretary, Department of Health



and Family Welfare, Ms. Awasthy S., IAS could not appear on this day and Dr. Usharani Sahoo, Additional Director, H & FW Department is present to assist the Court.

Taking note of the same, absence of the Commissioner-cum-Secretary, Department of Health and Family Welfare, Ms. Awasthy S., IAS is condoned for the day and is dispensed with for the time being.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

THE PLIGHT OF THE ATTENDANTS OF THE PATIENTS (SISHU BHAWAN)

231.
09.01.2025

The Advocates' Committee brought to the notice of this Court a news item published in the local Odia daily highlighting that the patients of the attendants are left to fend for themselves under the open sky left to the vagaries of the nature inside the campus of Sishu Bhawan and there is no Department of Radiology at Sishu Bhawan for which the patients are depending on the S.C.B.M.C.H, Cuttack. Such news items are taken on record.



Mr. Pravakar Mishra, Superintendent, SVP PGIP, who appears through virtual mode, stated that multi storied building plan for accommodating attendants has been approved on 04.01.2025 and sanction letter has been received and necessary follow up action shall be taken.

Considering the plight of the attendants as noted, this Court directs Mr. Pravakar Mishra, Superintendent, SVP PGIP to file an affidavit by the next date as to how minimum comfort can be provided to the attendants of the patients awaiting construction of permanent facility for them.

The affidavit shall also indicate the steps taken to address the issue of SVP PGIP not having its own Radiology unit for which the patients are referred to S.C.B.M.C.H., Cuttack.

List this matter on 30.01.2025.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

DUMPING YARD

232.
09.01.2025

The issue relating to dumping yard dealt with vide order dated 19.09.2024 was raised at the Bar.



During the course of deliberation, it was brought to the notice of the Court that the area near Raghunath Jew temple is used as dumping yard which is unhygienic to say the least.

The CMC Commissioner shall file a status report regarding steps taken for shifting of dumping yard of Satichaura and address the issue of such dumping yard near Raghunath Jew temple.

List this matter on 16.01.2025.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge

PENDING I.AS./MISC. CASES UPTO 2023

233.
09.01.2025

All the pending I.As./Misc. Cases upto 2023 are disposed of.

If any of the deponents have any subsisting grievance, it shall be open for them to file fresh I.A(s) as per the procedure prescribed.

(S.K. Sahoo)
Judge

(V. Narasingh)
Judge