

  
**HIGH COURT OF JUDICATURE FOR RAJASTHAN**  
**BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 10169/2026

Ashutosh Tripathi S/o Lt. Sh. Hari Prasad Ji Tripathi, R/o 80/426,  
Shankracharya Marg, Agarwal Farm, Mansarover, Jaipur (Raj.)

----Petitioner

Versus

1. State of Rajasthan, Jaipur through, Principal Secretary, Medical, Health & Family Welfare and Medical Education Department, Jaipur.
2. Medical Superintendent of S.M.S. Hospital, J.L.N. Marg, Gangwal Park, Jaipur.

----Respondents

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For Petitioner(s) : Ms. Ritu Tripathi  
For Respondent(s) : -

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**HON'BLE MR. JUSTICE ASHUTOSH KUMAR (V.J.)**

**Order**

**05/06/2026**

1. This writ petition has been filed by the petitioner praying following reliefs:-

"It is, therefore, most respectfully prayed that Your Lordship may kindly be pleased to accept and allow this S.B. Civil Writ and be further pleased to direct the Medical Superintendent of S.M.S. Hospital to appoint a doctor or team of doctors (as per doctors may think fit and proper) for removal of implant from the right leg of petitioner patient safely and speedy treatment given to the petitioner patient till recovers his bone & infected area, also ensure recover from his bone of leg from OSTEOMYELITIS properly without prejudiced, that who inserted implant or did operation and be further pleased to direct that no other patient fails to get the speedy treatment without prejudice, equality before the doctors "as patient

first" (if any error or omission or misconduct, occurs may be reported to appropriate authorities.) for which this hospital was established by the Government of Rajasthan under Rajasthan Right to Health Care Act, 2022 and under Article 21 of the Constitution of India.

(ii) Any other order / direction of compensation which this Hon'ble Court may deem just and proper in the facts and circumstances of this case may also be passed in favour of the petitioner."

2. Learned counsel for the petitioner submits that the petitioner suffered grievous injury in his right leg, for which implant was made at Kanwatia Hospital, Jaipur in the year 2019. Later on, the implant got infected and now there is severe infection in the right leg of the petitioner. It is further submitted that when the petitioner approached the Kanwatia Hospital, the doctors of said hospital advised for immediate removal of the implant made in his leg and he was referred to SMS Hospital for the treatment. Further, the petitioner consulted the Orthopedic Surgeon of S.M.S. Hospital on 21.05.2026 and treatment was given to the petitioner upto 30.05.2026. Learned counsel further submits that when the petitioner again reached the SMS Hospital, the doctors denied to remove the implant and provide him treatment.

3. Learned counsel further submits that the petitioner, as per the prescription of the doctor, is suffering from severe infection in his right leg and the doctors of SMS Hospital has diagnosed the infection as Osteomyelitis, which is a serious and painful infection of the bone. Learned counsel contends that the petitioner is suffering severe pain on account of the said bone infection in his

right leg, therefore, the petitioner being a citizen of India has a right to be treated immediately by the Government Hospital to safeguard his fundamental right to life under Article 21 of the Constitution of India. Therefore, it is prayed that the respondents be directed to make arrangement for the immediate treatment of the petitioner.

4. Learned counsel for the petitioner in support his submissions, has drawn attention of this Court towards the following citations:-

- 1) *Paschim Banga Khet Mazdoorsamity of Ors V. State of West Bengal & Anr; 1996 SCC (4) 37;***
- 2) *Pt. Parmanand Katara V. Union of India & Ors, 1989 AIR 2039.***

5. Heard and perused the material available on record.

6. As per the medical documents filed with the present writ petition and affidavit of the petitioner, it has come to the notice of this Court that the petitioner is suffering from severe pain due to infection in his right leg, which needs to be treated immediately. Therefore, this Court deems it proper to direct the petitioner to approach the respondent No. 2-Medical Superintendent of SMS Hospital, Jaipur and move a representation for his treatment. Also, respondent No. 2 is directed to provide necessary treatment according to the medical condition of the petitioner within a reasonable time, as per rules.

7. The present writ petition is disposed of with the aforesaid directions.

**(ASHUTOSH KUMAR)V.J.**