

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No.6109 of 2018**

**Chittaranjan Mohanty** ..... **Petitioner**  
*Mr. Chittaranjan Mohanty (In person)*

*-versus-*

**State of Orissa and others** ..... **Opposite Parties**  
*Mr. L. Samantaray, AGA for O.P. Nos.1 and 2*  
*Mr. Pradipta Kumar Mohanty, Sr. Advocate for O.P. No.3*

**CORAM:**  
**THE CHIEF JUSTICE**  
**JUSTICE A.K.MOHAPATRA**

**ORDER**  
**17.11.2021**

**Order No.**

35. 1. One of the serious issues flagged by Mr.ChittaranjanMohanty, who appears in person, is that the Doctors attached to Government Health Facilities, viz., the District Health Centers (DHCs), the Community Health Centers (CHCs) and the Primary Health Centers (PHCs) are also carrying on private practice without attending to their duties at the Government Health Facilities. This has come about because of the State Government by an order dated 1<sup>st</sup> November 2003 permitting Government Doctors to carry on private practice after conclusion of their official duties. According to him, this has had a detrimental effect on the quality of health care throughout Odisha.
2. The second issue highlighted by him is that in the recent affidavit of the Opposite Parties granular data regarding the sanctioned and

working strength of Government Doctors district wise and specialty-wise is not indicated.

3. As regard the first prayer, the Court considers it appropriate to issue the following directions in order to get a realistic picture on the ground:

(i) The Secretary of every District Legal Services Authority (DLSA) will forthwith constitute a four-member team, which will include two lawyers of the panel of DLSA – one of whom preferably should be a woman lawyer - and two para legal volunteers (PLVs), who will undertake a visit in the next week to one DHH, one CHC and two PHCs in the district at different hours unannounced and record:

(a) whether all the medical staff including Doctors, Nurses, Ward Staff, who are assigned to that facility are in fact in position and in attendance?

(b) The condition of the concerned facility in terms of cleanliness, sanitation, toilet facilities, power and infrastructure;

(c) adequacy of stocks of drugs, medicines, equipments; availability of ambulance;

(d) accessibility (i.e. connectivity by road, availability of public transport to reach the facility)

(e) Ability to deal with emergencies and in that context availability of telephone/internet connectivity

(f) any other matter of relevance and significance for general availability of quality healthcare

4. The general condition of each of such DHH, CHC and PHC will be depicted by the team in their report supported by photographs and video clippings taken on a mobile phone. This will be done over a period of a week at different times, unannounced.

5. The district administration and police will extend their full cooperation to the team to carry out their task without hindrance. The Secretary DLSA will co-ordinate with the authorities for this purpose.

6. Each of the teams will submit their reports along with video clippings and photographs addressing each of the issues highlighted in para 3 of this order in an open-drive to the concerned Secretary DLSA on or before 5 pm on 30<sup>th</sup> November, 2021. The said reports will then be transmitted by each Secretary, DLSA in a sealed cover to this Court by Special Messenger so as to reach this Court positively on or before 5 pm on 3<sup>rd</sup> December, 2021.

7. The Secretary, DLSA will reimburse the members of each team for expenses incurred towards transport, secretarial and incidental activity on actual basis. Each of the team members will be paid an honorarium of Rs.1,000/- (Rupees one thousand) for undertaking this exercise. The funds shall be disbursed from the contingency fund available with the District Judge concerned.

8. As regard the second issue, Mr. Samantray, learned AGA is directed to file an additional affidavit before the next date giving the information as sought for.

9. List on 15<sup>th</sup> December, 2021 along with W.P.(C) No.16602 of 2016.

10. Copy of this order be transmitted today itself by e-mail by the Registrar General of this Court to all the Secretaries of the DLSAs for immediate compliance.

11. Issue urgent certified copy of this order in course of the day.



U.K.Sahoo/J.Behera