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

WRIT PETITION NO. 5257 OF 2017

Surekha Luxman Sonovane,
Age 40 Years, Occu: Housewife,
R/o. Gorai, 602, Sai Darshan CHS,
Plot No. 31, Gorai-1, Borivali West,
Mumbai 400 091

.... Petitioner

Versus

1. The State of Maharashtra,
The Principal Secretary of Higher Technical
Education Department, Mantralaya,
Mumbai 400 001
2. The State of Maharashtra,
The Principal Secretary of Education
Department, Mantralaya, Mumbai 400 001.
3. The Director of Maharashtra State Board of
Technical Education Maharashtra State,
412-E, Shivaji Nagar, Bahirat Patil Chowk,
Pune 411 016.
4. The Principal of the Thakur Polytechnic
College, Thakur Complex, West to Western
Express Highway, Kandivli East,
Mumbai 400 101.
5. Wockhardt Super Specialty Hospital,
Near Railway Station, Mira Road (E),
Dist. Thane, Maharashtra.

6. Surbhi Life Care Hospital,
90 Fit Road, Kandiwali (East),
Mumbai 400 101.

... Respondents

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Mr.Milind A. Ingole for the Petitioner.

Mr.P.P.Kakade, Government Pleader with Ms.T.J.Kapre, AGP for
Respondent Nos. 1 and 2-State.

Mr. Rajshekhar V. Govilkar, Senior Advocate for Respondent No.3.

Mr.Mahendra M. Agavekar with Ms.Shraddha Chavan for
Respondent No.4- College.

Mr.Jaydeep Deo, Appointed as Amicus Curiae.

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**CORAM : NITIN JAMDAR, AND
M.M. SATHAYE, JJ.**

DATE : 12 July 2024.

JUDGMENT *(Per: Nitin Jamdar, J.)*

Rule. Rule made returnable forthwith. The Respondents waive
service.

2. This petition involves an individual tragedy and raises
significant concerns regarding the availability and adequacy of first
aid and medical facilities in the educational Institutes in the State.

3. Petitioner's daughter Tejuswini was a final-year diploma student at Respondent No.4, Polytechnic College in Kandivali, Mumbai. She had good academic record and actively participated in extracurricular activities. On 22 February 2016, Tejuswini collapsed in her classroom, hit her head against the benches and lost consciousness. She was brought down from the 6th floor in a wheelchair and taken to nearby hospitals, where she passed away due to a haemorrhage.

4. The Petitioner has filed this petition alleging negligence on the part of Respondent No. 4 in the Polytechnic College where Tejuswini was enrolled and Respondent Nos. 5 and 6, the hospitals where she was admitted. She alleges that the College lacked adequate medical facilities, including an ambulance, and that there was an unacceptable delay in transporting her daughter to the hospital. The Petitioner further asserts that timely medical treatment could have saved her daughter's life. The Petitioner seeks a direction for stringent action against Respondent Nos. 4, 5, and 6 for medical negligence and requests these Respondents to provide compensation of Rs. 50 lakhs to the Petitioner for the death of her daughter.

5. The learned Counsel for the Respondent college argued that all reasonable measures within the capacity of the College to prevent the unfortunate incident were undertaken. The College argued that

Tejuswini had pre-existing health conditions, suggesting that her death could not solely be attributed to the actions or omissions of the College. The College disputed the allegation of negligence by its employees. Additionally, the Respondent college has submitted that under the Mandatory Student Insurance Policy, an insurance company disbursed Rs. 50,000 to the Petitioner-mother. Also, the College incurred Rs. 1,30,000 towards the hospital expenses for the deceased and refunded all fees paid by the Petitioner-mother for the three-year duration. The Respondent College has placed on record the proceedings taken out by the Petitioner before the Human Rights Commission, Maharashtra.

6. The Petitioner had initiated proceedings before the Human Rights Commission, Maharashtra making the same grievance. The Commission held that there was no evidence of failure on the part of any Respondents in providing proper treatment to the deceased. It was noted that Tejuswini suffered a stroke and was promptly taken to the nearest hospital within 20 minutes, and the Human Rights Commission concluded that there was no negligence on the part of the Respondent College.

7. In writ jurisdiction it is not possible for us to adjudicate on the seriously disputed factual issues as to whether the deceased had preexisting conditions and to what extent it was the role of the Respondents and to grant relief of damages. The claim falls in the

realm of tort law. The Petitioner's claim for action and damages is negatived.

8. However, the petition has also raised a larger issue. The Petitioner has sought a direction for Respondent No. 1, the Principal Secretary of the Higher and Technical Education Department; Respondent No. 2, the Principal Secretary of the Education Department; and Respondent No. 3, the Director of the Maharashtra State Board of Technical Education, to issue directives to the respective Government Education Departments to ensure adequate medical facilities and equipment are available in colleges and schools. Having recorded that these prayers justified further consideration, we called upon the State to respond to these prayers by order dated 22 April 2024. Considering the importance of the issue we called upon the learned Government Pleader to appear and assist the Court. We also requested Mr. Jaydeep Deo, the learned Advocate, to act as Amicus Curiae to assist the Court.

9. The issue raised by the Petitioner of providing first aid and medical facilities in educational Institutes such as polytechnics is of importance. Educational Institutes in larger cities have a substantial strength of students and staff members who spend a considerable portion of their day away from their homes. Medical emergencies can occur due to the commuting requirements (especially in Mumbai) and diverse activities within these institutions. While some

institutions may have their arrangements or provide ad-hoc responses by transporting patients to the nearest hospital during emergencies, delays in timely medical treatment can lead to fatal results. Relying solely on ad-hoc responses for medical emergencies is inadequate. A structured approach and mandates of law are required to ensure basic medical facilities are readily available on the premises. This necessitates directives from state authorities, with clear consequences for non-compliance, to ensure that educational Institutes adhere to standards that deal with the medical emergencies of their students and staff.

10. The learned Amicus has placed on record AICTE Approval Handbooks and *UGC [Affiliation of Colleges Offering Technical Education By Universities] Regulations, 2014*. The learned Amicus has drawn our attention to the AICTE Approval Handbooks for the years 2023-24 and 2024-27 for our consideration. Appendix 6 of these Handbooks outlines the norms for essential and desirable requirements of technical institutions. Clause 6.1 of Appendix 6 specifies the essential requirements for technical institutions, which include provisions for first aid, medical facilities, and counselling services. Details regarding these requirements are provided in a checklist that is verified by the Expert Visit Committee. According to Clause 13.2(9), the Expert Visit Committee has to physically verify the existence of a first aid cum sick room. Additionally, Clause 13.2(16) stipulates that the Expert Visit Committee should examine

documentation regarding the details and evidence of medical facilities and counselling arrangements, as well as any Memorandum of Understanding (MoU) with nearby hospitals or clinics, or the appointment of a doctor and nurse on campus, along with proof of compliance with first aid standards.

11. The State of Maharashtra, however, had not issued any directions to educational Institutes regarding the medical facilities. The educational Institutes in the State are regulated by the Higher and Technical Education Department and the Education Department under the governing statutes and Resolutions. The State Government has the power to issue directions to these educational Institutes. Copies of the orders passed in the petition, therefore, were directed to be sent to the Principal Secretary of the Higher and Technical Education Department and the Education Department of the State of Maharashtra to provide information on whether any directives have been issued to educational Institutes regarding providing basic medical facilities. It is thereafter, during today's hearing, the learned Government Pleader placed on record the Circular dated 10 July 2024 issued by the Higher and Technical Education Department. The learned Government Pleader informed the Court that the Education Department of the State of Maharashtra is issuing a Circular similar to the one issued by the Higher and Technical Education on 10 July 2024.

12. The Circular dated 10 July 2024 issued by the Higher and Technical Education Department, Government of Maharashtra, states that a large number of students enrolled in degree, post-graduate, and diploma courses spend approximately 6 to 7 hours daily on campus, making immediate medical assistance necessary. Consequently, all colleges are mandated to provide basic medical care. The Circular directs all educational institutes under the Higher and Technical Education Department of the Government of Maharashtra to implement several key measures. These include compulsory student insurance as per Government Resolutions dated 25 August 2011 and 16 October 2023. Additionally, each institute must establish a first aid cum sick room of at least 20 square meters equipped with immediate first aid facilities and ensure that first aid kits are readily available in all departments. Furthermore, Institutes are instructed to organise medical first aid training and annual medical examination camps for students and staff, with specific training in artificial respiration. Display boards listing ambulance services and nearby private hospitals must be prominently displayed on campus. To manage emergencies effectively, one or two designated coordinators are to be appointed and trained to coordinate with hospitals and facilitate student admissions during critical situations. The Institutes are required to establish collaborations with local doctors to provide on-call medical services, ensuring that doctors are available to respond promptly to student

needs. Provisions for emergency vehicles should be made to facilitate the transportation of patients to hospitals when required. These directives apply to all educational Institutes under the Higher and Technical Education Department of the Government of Maharashtra. The Circular has been sent to non-agricultural universities, deemed universities, and other specified institutes for immediate compliance.

13. We note, however that the Circular dated 10 July 2024 does not stipulate any specific consequences for non-compliance. Though we expect that the educational Institutes will take the stipulation in the Circular positively, consequences for non-compliance need to be stipulated. Students spend a significant portion of their time under the care of these institutes, and it is incumbent upon them to take practical and feasible efforts in medical emergencies. The State should evolve mechanisms to monitor the functionality of medical facilities to ensure the effective implementation of the Circular. This could involve visits to educational Institutes. The learned Government Pleader states that necessary instruction would be issued. The State Government can issue mandatory directives requiring educational Institutes to prominently display posters emphasising basic medical facilities, helplines, and toll-free numbers for assistance. The State Government can establish a dedicated helpline number and social media handle/presence through which students, parents, and staff members can report deficiencies in

medical facilities in their Institutes directly to the State authorities. The State should publicise this initiative through traditional media and social media platforms, which can raise awareness about the importance of basic medical facilities within educational Institutes. Proactive measures by educational institutes, monitored by the state government and the AICTE, should be taken to safeguard the health and safety of students and staff. Since the learned Government Pleader states that the Education Department, Government of Maharashtra is also issuing a Circular on similar lines, it is necessary that a time limit be placed for the issuance of this Circular and similar directions for its compliance.

14. In light thereof, we dispose of the writ petition with the following directions:

- (i) The Higher and Technical Education Department, Government of Maharashtra, will issue necessary instructions to all the educational Institutes covered by the Circular dated 10 July 2024 specifying the course of action within the bounds of law in case of failure to adhere to the directions in Circular dated 10 July 2024.
- (ii) The Higher and Technical Education Department will give wide publicity to the Circular dated 10 July 2024 through media, social media or on its website.

- (iii) The Higher and Technical Education Department will also provide a helpline number and social media presence so that the students, parents and staff members can point out the non-supply of medical facilities as per the Circular dated 10 July 2024 in their educational Institutes.
- (iv) In light of the statement made by the learned Government Pleader that the Education Department, Government of Maharashtra, is in the process of issuing a circular similar as the Circular dated 10 July 2024 issued by the Higher and Technical Education Department. The Education Department will issue such a Circular within one month from today.
- (v) The directions issued to the Higher and Technical Education Department as above will be applicable to the Education Department.

15. Rule made absolute in the above terms. Other reliefs sought by the petitioner are rejected. The writ petition is accordingly disposed of.

16. The assistance rendered by the learned Amicus Curiae is appreciated.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)