

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CJ Court

Case: CPPIL No. 3/2017
In PIL 21/2015
IA No. 1/2018 CM No. 629/2025

Court on its own motion.

...Petitioner(s)/Appellant(s)

Through: Mr. Ajay Sharma, Sr. Advocate with
M/s Aditiya Gupta, Naveed Naik and Arjun
Bharti, Advocates.

V/s

M K Bhandari and anr.

.... Respondent(s)

Through: Ms. Monika Kohli, Sr.AAG.

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE.**

ORDER
04.12.2025

01. Late Mr. A V Gupta, who happened to be a designated Senior Advocate of this Court, had approached this Court in public interest way back in the year 2016. To command the respondent-Authorities to ensure basic health facilities for treatment of cancer patients in the then State of Jammu and Kashmir as also to provide adequate number of Oncologists, Onco-surgeons and PET Scan machines and experts in the relative field for treatment of various types of cancers.

02. The records show that the matter was tried for a considerable time and was eventually disposed of by a Co-ordinate Bench on February 16, 2016.

03. In essence, per the orders/directions passed by this Court and even though the Government had sent a requisition to the Public Service Commission way back in March 2016, to select Oncologist(s), but till passing of the final order/judgment, even the selection process had not been initiated. Accordingly, it

was observed that atleast one Oncologist working in Medical Institutions in Srinagar, be sent on deputation to Government Medical College Jammu. Further, even if no qualified Oncologist was available in the State of Jammu and Kashmir, the State Government always have an option to requisition the services of qualified Oncologists from the neighbouring States. And directions were issued to ensure compliance of the order within two weeks. But nearly, a decade has gone by.

04. Not just that, we are informed that to date neither any selection in this regard have been carried out nor any qualified Oncologist in the Discipline of Surgical Oncology is appointed/posted in Government Medical College Jammu. It is submitted that there is only one Professor and Assistant Professor working in the Discipline of Medical Oncology, one Registrar in the Disciplines of Nuclear Medicine and one Lecturer in the Radio Diagnosis.

05. Similarly, the respondents were directed to take necessary measures to install PET Scan machines in all the Medical Colleges for proper diagnosis of the patients within a period of six months.

06. Learned Senior counsel for the petitioner submits that, for the present, there are eight Medical Colleges in the Union Territory of Jammu & Kashmir and Ladakh of which five are functional at Jammu and the rest three at Kashmir. But in none of the eight hospitals, the Authorities have been able to install even one PET scan machine. Except in the State Cancer Institute, Jammu.

07. We have examined the status report/compliance reports that are being filed on behalf of the respondents from time to time. However, we have no hesitation to observe that they do not show any tangible progress or promise.

08. Thus, in the given circumstances, we are choiceless but to direct Administrative Secretary, Health and Medical Education; Principal, Government

Medical College Jammu, as also the Secretary, Jammu and Kashmir Public Service Commission, Union Territory of Jammu and Kashmir, Jammu, to remain present in Court on the adjourned date before we proceed any further in the matter.

09. Adjourned to December 08, 2025.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

Jammu
04.12.2025
Sunita/Secy.

