



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 37318 of 2025

Saurabh Singh

.....Petitioner(s)

Versus

Swaroop Rani Hospital And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Ashish Kumar Singh, Rana Singh
Counsel for Respondent(s)	: A.S.G.I., C.S.C., Prabhakar Tripathi

Court No. - 4

HON'BLE AJIT KUMAR, J.

HON'BLE SWARUPAMA CHATURVEDI, J.

1. Heard Ms. Reena N. Singh, learned counsel through video conferencing along with Sri Rana Singh and Sri Ashish Kumar Singh, learned counsel appearing for the petitioner in Court, Sri Pradeep Kumar Shahi, learned Additional Chief Standing Counsel for State respondents and Sri Prabhakar Tripathi, learned counsel for respondent no. 2.
2. It is contended by learned Additional Chief Standing Counsel that Swaroop Rani Hospital, Prayagraj is under the administration of Chief Medical Superintendent and hence in the given facts of the case, he is a necessary party.
3. Petitioner is directed to implead forthwith the Chief Medical Superintendent of Swaroop Rani Hospital as fifth respondent in the petition.
4. Submission advanced on behalf of the petitioner is that the mother of petitioner namely, Urmila was admitted to the Swaroop Rani Hospital and after pathological test, her blood group was found to be 'O' positive regarding which a document has been brought on record at page no. 20 of the paper book. It is next submitted that she went under the surgery by the surgeon of the hospital, however, the blood that was transfused to her in the post surgery care, turned out to be 'AB' positive, which was a serious medical lapse on the part of the doctors/medical officers attending the patient. It is further contended that it is on account of transfusion of mismatched blood that patient could not survive surgery and subsequently died. It is also contended that petitioner having got this information that the

patient was transfused with mismatched blood, made a complaint before the authority and even after the death of the patient, complaint was made but no action was taken upon the complaint made by the petitioner. It is further contended that in such case of medical negligence, the department/administration officers of the hospital themselves ought to have taken action against erring medical officers and the staff but nothing was done and the petitioner was made run pillar to post to his utter harassment.

5. Considering the submissions so advanced and the documents brought on record, we consider it appropriate in the first instance to direct the learned Additional Chief Standing Counsel to obtain instruction from respondent nos. 1 and 5 and place the same before the Court on the next date fixed.

6. Let this matter be placed on board again on 6th November, 2025.

(Swarupama Chaturvedi,J.) (Ajit Kumar,J.)

October 30, 2025

#Vikram/-



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Counsel for Respondent(s)	: A.S.G.I., C.S.C., Prabhakar Tripathi

Court No. - 2

HON'BLE ATUL SREEDHARAN, J.
HON'BLE SIDDHARTH NANDAN, J.

1. Ms. Reena N. Singh, Advocate (through video conferencing) and Shri Rana Singh, Advocate are present on behalf of the petitioner.
2. Instructions filed by the State is taken on record.
3. The State is requested to file the copy of the Aadhaar Card of the second patient Urmila, who was allegedly admitted in the same hospital for delivery or treatment related to pregnancy as is reflected in the blood requisition form of that patient. The State is also requested to bring on record all the original documents annexed along with instructions filed along with letter dated 16.11.2025 of the Principal-V.K. Pandey.
4. List this case on 28.01.2026, in top ten cases.
5. Learned counsel for the petitioner on the other hand requested to file a copy of the entire treatment papers related to the brain surgery of the deceased patient.
6. The instructions given by the State shall be placed in the sealed cover and kept in the custody of the Court itself.

(Siddharth Nandan,J.) (Atul Sreedharan,J.)

January 20, 2026
S.Prakash



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Court No. - 2

**HON'BLE ATUL SREEDHARAN, J.
HON'BLE SIDDHARTH NANDAN, J.**

List this case on **02.02.2026 at 2:00 p.m.**

January 28, 2026
R.S. Tiwari

(Siddharth Nandan,J.) (Atul Sreedharan,J.)



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Counsel for Respondent(s) : A.S.G.I., C.S.C., Prabhakar Tripathi

Court No. - 2

HON'BLE ATUL SREEDHARAN, J.

HON'BLE SIDDHARTH NANDAN, J.

1. We have heard Sri Rahul Agarwal, learned Additional Advocate General, Ms. Reena N. Singh, Advocate through video conferencing, Sri Ashish Kumar Singh and Sri Rana Singh, learned counsel for the petitioner.

2. Learned counsel for the petitioner is permitted to implead Director General of Medical Education, U.P. as Respondent no.6, within three days from today.

3. In compliance of the earlier order dated 30th October, 2025, the respondents have filed the original documents along with their instructions, pertaining to the treatment, which is taken on record and to be kept in sealed cover.

4. Learned Additional Advocate General, at the very outset, has fairly conceded that the deceased, who is the mother of the petitioner, died at the government hospital on account of transfusion of wrong blood group. The deceased was O+ and the blood group AB+ was administered to her, which led to post operative complications, on account of which the deceased died. Prima facie, it is also apparent from the documentation that the treatment given to the deceased was to offset/counter the ill effects of the transfusion of wrong blood group.

5. As the learned Additional Advocate General has not disputed that the cause of the death was transfusion of the wrong blood group, this Court does not have to deal with that issue. However, if the Court is to grant

compensation in this case, it would require assistance from the learned Additional Advocate General and the counsel for the petitioner with regard to the cases in which a constitution Court like the High Court, can embark upon considering a case like this to grant a compensation to the family of the deceased, or deny them the same. What are the factors it was to bear in mind, the settled law on the subject with supporting judgments, if any.

6. Along with the instructions, the learned Additional Advocate General has placed on record certain documents which clearly indicates that the head of the department have made various requests which may cater to the need of the facilities in the medical college and which are also necessary to ensure that in future such incidence does not re-occur. Since, the medical college has come fairly with their stand and has assisted this Court through the learned Additional Advocate General in pointing out the anomalies which eventually led to such an incident, this Court thinks it appropriate to direct the newly impleaded Respondent no.6, that he may direct the respondent no.1 to constitute a committee, consisting members of different Departments under the concerned Medical College and through their participation, collect all the necessary data and recommendations which may come from different Departments and are necessary for the purposes of overall functioning of the medical college, in such a way that in future just because of want of facilities and availability of a mechanism to curb such incidences, which may result in death of a patient, no such untoward incident takes place. A right to 'LIFE' is a valuable right, which has been enshrined as a fundamental right under Article 21 of the Constitution of India; and it is a constitutional obligation on the State and its' functionaries, to ensure that the same is not violated, in any manner.

7. However, it is made clear that the Committee will act under the Chairmanship of the Principal of the concerned Medical College and in case, necessary Respondent no.6 input may also be sought for; and within a period of five weeks from today, a comprehensive report outlining the necessary infrastructural or procedural directives which may be required to be formulated, shall be submitted before Respondent no.6, for necessary action. It is needless to say that Respondent no.6, will be under

an obligation to provide all necessary assistance, whether it being financial or at administrative level. The personal affidavit of the Principal of the Medical College will be required in the aforesaid matter bringing on record the report and the response of Respondent No.6. The Principal of the concerned Medical College, was under a duty to ensure that rights of the patients admitted in his Medical College is protected and apparently the admitted incident, reflects a failure. The learned Additional Advocate General is also expected to come out with a quantum of compensation, which he has also assured this Court, on affidavit.

8. Both the parties are at liberty to file the documentation by way of a supplementary affidavit on or before the next date of listing.

9. List this case for further hearing on 23rd March, 2026, at 2.00 pm.

(Siddharth Nandan,J.) (Atul Sreedharan,J.)

February 2, 2026

Noman/Sumit.K