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WP-47490-2025

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

&amp;

HON'BLE SHRI JUSTICE PRADEEP MITTAL

ON THE 21<sup>st</sup> OF JANUARY, 2026WRIT PETITION No. 47490 of 2025*DEVENDRA DATTA SHARMA**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

*Shri Vivek K. Tankha, Senior Advocate, through video conferencing and Shri Sanjay Agrawal, Senior Advocate and Shri Sankalp Kochar, Advocate for the petitioner.*

*Shri H.S. Ruprah- Additional Advocate General and Shri Bramhadatt Singh- Additional Advocate General with Shri Akash Malpani, Advocate for the respondent/State.*

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ORDER

*Per. Justice Vivek Rusia*

The petitioner has filed this Public Interest Litigation seeking quashment of the order/notification dated 23.09.2025 and 10.10.2025 issued by the respondent no.2.

2. The petitioner claims to be a public-spirited person and is working on a pro-bono basis for people belonging to the marginalised sections of society. The petitioner has given details of his public-spirited antecedents in the writ petition



3. By way of this Public Interest Litigation, the petitioner is challenging the validity of the order/notification dated 23.09.2025 and various orders issued on 10.10.2025 empanelling various hospitals and health care providers of the State to provide health care services under the Ayushman Bharat Pradhan Mantri-Jan Arogya Yojna (hereinafter referred to as AB PM-JAY in short). According to the petitioner, the Union of India has rolled out the aforesaid Scheme on 23.09.2018 with a vision to bring in the poorest, marginalised, and senior citizen section of the Society within the ambit of accessible health care through recognized hospital and health care providers, with a cover of Rs.5,00,000/- per family per year. The respondent no.2/Ayushman Bharat Nirmanyam is a State Health Agency under the aforesaid Scheme.

4. The petitioner is challenging the order dated 23.09.2025 issued by the Chief Executive Officer (Annexure P-1) with an approval from the State Executive Committee to the effect that in major cities like Bhopal, Indore, Gwalior, Jabalpur only those hospital will be empaneled under this scheme those have **NABH Final Level Quality Certificate** and at present those hospitals which are already NABH Entry level having empanelment for 6 months has been granted time upto 31.03.2026 to get certification. After 31.03.2026, the affiliation will come to an end, and thereafter, new hospitals will be enrolled from 01.04.2026, those that have a **Final Level Quality Certificate**. After the aforesaid order, vide various orders have been issued on 10.10.2025 (collectively filed as Annexure P-2) whereby several private hospitals have been granted renewal of empanelment for the period



of 3 years.

4. Shri V.K. Tankha- learned Senior Counsel appearing for the petitioner submits that the impugned notification dated 23.09.2025 makes it mandatory for selected private hospitals and health care providers to obtain a **Final NABH Final Level Quality Certificate**, which shall cast a grave threat of de-empanelment for small and medium scale hospitals, directly affecting the poor section of the society. This impugned order/notification shall benefit the multi-national hospitals, and the general public at large will be at the mercy of multi national hospital to avail the basic health care services.

5. Learned Additional Advocate General appearing for the respondent/State opposed the aforesaid prayer by submitting that the petitioner has no locus to file this present public interest litigation as the affected hospitals can challenge the impugned notification by way of a writ petition.

6. We have heard learned counsel for the parties and perused the record.

7. *Prima facie*, it appears that the aforesaid order dated 23.09.2025 has been passed in order to provide quality health care services. It is correct that private hospitals which have not been granted empanelment and are affected by the impugned order, can invoke the jurisdiction of this Court by way of a writ petition.

8. The petitioner has filed a copy of various orders dated 10.10.2025 (collectively filed as Annexure P-2) by which several hospitals have been granted extension for the period of 3 years. The petitioner is seeking



quashment of all these orders /Annexure P-2 whereby many hospitals have been granted a conditional extension of 3 years, or renewal to get the NABH quality certificate, without impleading them as respondents in this petition. Therefore, this public interest litigation is not maintainable. The affected private hospitals may approach this Court challenging the impugned orders. *Prima facie*, the decision has been taken by the State Government for giving the quality treatment to the public at large; only those private hospitals having the quality certificate are permitted to give health care services under the aforesaid scheme. Accordingly, this petition is dismissed. It is made clear that dismissal of this writ petition will not affect the private hospitals and health care providers from approaching this court to challenge the impugned orders.

(VIVEK RUSIA)  
JUDGE

(PRADEEP MITTAL)  
JUDGE