

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 3427 OF 2000

(C.H.Sharma and ors vrs State of Mah and ors)

and

PUBLIC INTEREST LITIGATION NO. 10 OF 2020

(Subhash Jainaqrayan Zanwar vrs Union of India and ors)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri Anup Gilda, Advocate/Amicus Curiae for Petitioner
Shri S.Y.Deopujari, Govt. Pleader assisted by Shri
D.P.Thakre, Asstt. Govt. Pleader for Respondent Nos.1 to 3.
Shri Sudhir Puranik, Advocate for Respondent No. 4
Shri U.M.Aurangabadkar, ASGI for Respondent No.6
Shri Ram Heda, Advocate for Petitioner in PIL 10/2020
Shri Pratik Sharma, Advocate for intervenor
Shri P.H.Jakate, in person for intervenor
Shri R.M.Bhangde, Advocate for Medical Council of India
Shri Tushar Mandlekar, Advocate for intervenors

CORAM: N.W.SAMBRE, J.

DATE: 20th APRIL, 2020

In view of COVID-19 Pandemic, on 23rd March, 2020, this Court has given certain directions to the respondent-authorities in the matter of establishing the VRDL facilities, providing of PP Kits to the doctors and the other staff working in the Government Hospital so also private hospitals, creation of isolation wards at Central Jail across the Vidarbha region, providing adequate number of testing Kits and coordination with NIV, Pune for procuring additional number of testing kits etc.

As far as the direction in relation to the grievance reported in the newspaper about turning away of one of the patient by the

Corporation/GMC authorities is concerned, I have perused the explanation tendered by both the authorities. No further directions are warranted on the said issue in view of the steps taken by both the authorities which appears to be satisfactory.

The next direction was in regard to providing of VRDL facilities, particularly at Government Medical Colleges and Hospitals in Vidarbha region. I am informed that the State Government has already taken decision to establish VRDL facilities at GMC, Nagpur, IGMG, Nagpur, the Government Medical College, Akola, whereas approval of the VRDL facilities at Yavatmal, Chandrapur, Gondia and Gadchiroli was under active consideration with the respondent-Indian Council of Medical Research. The learned Assistant Solicitor General who is appearing for this authority informs that the authority will take decision on the issue of grant of permission to the Government Hospitals referred above for establishing VRDL facility at the earliest.

In view of the earlier orders of this Court, it was expected of the Authorities to take decision and place the same before this Court by next date of hearing i.e. 23rd April, 2020. This Court is sensitive to the fact that the State Government has authorised the A.I.I.M.S (Medical Institute) Nagpur to

facilitate and communicate with ICMR in the matter of grant of permission referred above.

At this stage the learned Assistant Solicitor General informed that as far as the proposal for grant of approval for establishing the VRDL facilities at Chandrapur, Gadchiroli, Gondia and Yavatmal is concerned, the ICMR vide its communication dated 19th April, 2020, has already informed the State Government about 7 shortfalls which the State Government is required to comply with and the moment such compliance is reported, the State Government can revert to ICMR for processing the approval for operation of VRDL facilities at above places in Government Medical College and Hospitals. The copy of the communication dated 19th April, 2020, is informed to be made available to the office of the Government Pleader during the course of the day either by WHATUP or e-mail by the ASGI so that the Government Pleader can take appropriate steps on the issue of compliance in the matter of shortfalls reported by the ICMR and by next date shall inform the status about the same to this Court.

As such it is expected of the Government to respond to the same by the next date of hearing i.e. 23rd April, 2020, on the said issue.

It appears that the testing facilities are also made available by the State Government at Maharashtra Animal and Fisheries University who are required to conduct the testing of the samples after the testing Kits and other materials are made available by the State Government.

The aforesaid fact of making available the facility and availability of testing Kits at Maharashtra Animal and Fisheries University appears to be suppressed from the Court for which the Nodal Officer and the Dean, who is authorised by the State Government in this matter is unable to give any explanation. Upon assurance given by the Government Pleader and the Additional Government Pleader, by way of an opportunity, the court is inclined to grant last chance to explain the same and also place on record the data in the matter of date-wise testing kits supplied, number of testing kits, the number of samples tested till date, the number of samples pending with all the testing facilities available with the Government in the City of Nagpur and Akola. This data should be made available to this Court in any case by 22nd April, 2020, so that the Court will be in a position to deal with the same on the next date of hearing i.e. 23rd April, 2020.

As far as Rapid Ante Body Test Kits

are concerned, the Assistant Solicitor General informs that at present about 5 lakh kits are procured, which will be made available to the State Government at the earliest. He assures that a concrete statement about making such Rapid Ante Body Kits available to the respective testing centres/Government Hospitals will be made by next date of hearing in 23rd April, 2020.

The affidavit of compliance placed by the Corporation on record of the order dated 8th April, 2020, contains certain documents which are not readable and also there needs to be certain clarification on the issue of demand registered by the Corporation with the State Government in regard to supply of Masks and PPE kits. Shri Puranik submits that appropriate affidavit with proper documents will be placed on record by day after tomorrow i.e. 22nd April, 2020, with an advance copy to the office of the Government Pleader so that the Government Pleader will be in a position to take appropriate instructions on the issue of providing the Masks and PP Kits to the Corporation Authority as was demanded by them.

S.O to 23rd April, 2020.

JUDGE