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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/WRIT PETITION (PIL) NO. 42 of 2020

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SUO MOTU

Versus

STATE OF GUJARAT & 2 other(s)

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Appearance:

SUO MOTU(25) for the Applicant(s) No. 1

for the Opponent(s) No. 5,7,8,9

MR KAMAL B.TRIVEDI, ADVOCATE GENERAL with MS MANISHA

LAVKUMAR SHAH, GOVERNMENT PLEADER for the Opponent(s) No. 1,2,3

MR NM KAPADIA(394) for the Opponent(s) No. 4

NOTICE SERVED(4) for the Opponent(s) No. 10

ROHAN A SHAH(7497) for the Opponent(s) No. 6

RUSHABH H SHAH(7594) for the Opponent(s) No. 6

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CORAM: **HONOURABLE THE CHIEF JUSTICE MR. JUSTICE
VIKRAM NATH**

and

HONOURABLE MR. JUSTICE J.B.PARDIWALA

Date : 26/02/2021

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE J.B.PARDIWALA)

1. The affidavit-in-reply filed on behalf of the State duly affirmed by the Principal Secretary, Department of Health and Family Welfare, dated 26th February 2021 is ordered to be taken on record.

2. We have perused the reply indicating the various steps taken by the State Government and also meeting with the objections raised by Mr.Koshti, the learned counsel appearing in the present Public Interest Litigation.

3. According to the news report, the State of Gujarat, on Friday, the 26th February 2021, reported 427 new cases of Covid-

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19. Of these, 274 were from just the four major cities of the Gujarat, i.e. Ahmedabad, Vadodara, Surat and Rajkot. That is over 64% of the day's cases. Among the cities, the city of Ahmedabad reported 96 cases, followed by Vadodara with 73, Surat 61 and Rajkot 44.

4. With the addition of the new cases, the overall case tally of the Covid-19 cases in the State has reached 2,70,316 on Monday. One patient in Ahmedabad succumbed to the infection, taking the death toll to 4,411. The State Health Department said that alongside 360 more patients recovered from the infection. The State currently has 2,429 active cases, of which 35 patients are on ventilators. The Ahmedabad district reported 99 cases, followed by Vadodara with 84, Surat 64 and Rajkot 50.

5. Among other districts, the district of Panchmahals recorded 14 new cases, Junagadh 12, Kutch 11, Gandhinagar 10, Jamnagar and Anand nine each and Sabarkantha eight. The total number of the Covid-19 cases and recoveries remained unchanged at 3,378 and 3,372, respectively.

6. As per the Ahmedabad Municipal Corporation's Covid-19 dashboard, the city had 313 active cases as on Monday morning. Of these, 72 were in the South-West zone (i.e. Satellite, Jodhpur, Prahladnagar, Vejalpur, Sarkhej, Juhapura, Bopal-Ghuma, etc), followed by 71 in the North-West zone (i.e. Bodakdev, Vastrapur, Sola, Ghatlodia, Chandlodia, Gota, etc), 68 in the West zone (i.e. Navrangpura, Naranpura, Ambawadi, Ranip, Paldi, Vasna, Chandkheda, etc), 53 in the North zone (Meghaninagar,

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Sardarnagar, Saijpur, Saraspur, etc), 50 in the South zone (i.e. Maninagar, Behrampur, Danilimda, Khokhra, Kankaria, etc), 45 in the East zone (i.e. Bapunagar, Amraiwadi, Nikol, Rakhial, Gomtipur, etc) and 42 in the Central zone (i.e. Asarwa, Dariapur, Shahpur, Jamalpur, Khadia, etc).

7. The AMC identified on new micro-containment area. With this, the total number of such areas has reached 28.

8. Just when things started looking a little better and the conditions in the major cities across the State of Gujarat started improving, the elections of the various civic bodies at different levels and the carefree attitude of the people has once again spoilt the show and has put us back into a situation of concern. Be that as it may, what cannot be cured has to be endured.

9. Mr.Kamal B.Trivedi, the learned Advocate General, submitted that the State machinery has once again geared up to combat the situation and has started preparing itself on all fronts. According to Mr.Trivedi, it is very difficult to predict the movement of the Covid-19 as the situation may aggravate in the third round of spike, and for which, the State Government is prepared.

10. We have few suggestions for the State Government to consider :

1. Anticipating the worst in the near future, the State Government should be ready with adequate numbers of

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Covid Designated Hospitals. There should be sufficient number of beds available at all the Covid Designated Hospitals.

2. Let the testing in the major cities be increased.
3. The mandate of wearing mask should be strictly implemented and strict vigilance should be deployed at all the major public places and centres of the cities of Ahmedabad, Surat, Vadodara, Rajkot, Jamnagar and Bhavnagar.
4. The people at large should once again be put to caution that their carefree attitude or negligence may force the State Government to once again impose a lock-down.
5. We have no idea what are the protocols or the rules & regulations of the State Government as regards the public functions like marriages, etc. Whether any restrictions as regard the number of invitees as earlier imposed should be continued or not, is also one important aspect which the Government needs to keep in mind.

11. One last thing we want to take note of is something quite disturbing. The 'Ahmedabad Mirror' in a news item titled 'Civil Superintendent, GMERS CEO among those seeking VRS' has reported that a number of senior doctors in the State's medical fraternity are of late opting for the VRS, allegedly fed up primarily with a lethargic bureaucracy, mismanagement and red-tape. It is reported that many doctors with long years of

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service in the State's top hospitals and medical colleges are complaining of an increasingly difficult work environment where their requests to the officials in Gandhinagar often go unheard; transfers are meted out inexplicably and concerns are met with the Government indifference. It is also reported that the doctors have claimed that requests made by the medical experts to the bureaucrats in Gandhinagar for essential equipments, medicines and other supplies are not supplied in time and delayed frustratingly, leading to shortage. At some hospitals, while there is equipment, there is allegedly an acute dearth of expert Cardiologists, Gynecologists, etc. The posts lie vacant for long. It is further reported that the senior members of the medical fraternity feel the situation needs to be addressed and new recruitment must be made, failing which there may not be an adequate number of medical teachers and experts in the State in the near future.

12. In the aforesaid context, we may only say that we are not concerned with the internal management and administration of the State's top hospitals and medical colleges. We express our concern only on one issue, and that is, with regard to the supply of essential equipments, medicines and other supplies belatedly leading to shortage. There is an acute dearth of expert Cardiologists, Gynecologists, etc. as posts are lying vacant since a long period of time. This is something we need to take cognizance of in public interest, more particularly, in this time of Covid pandemic.

13. The newspaper reporting reflects on the tardy affairs of the Health Department of the State. We express our concern only

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keeping in mind the interest of the people hailing from the poor strata of society. People who come to the Government hospitals should not be deprived of the essential medical services on account of shortage of equipment, medicines and lack of other infrastructure facilities. If there are no adequate number of doctors, then it is only the people from the poor strata of society who would have to suffer.

14. We seek response in the aforesaid regard by the next date of hearing. Post this matter for further hearing on 9th April 2021.

(VIKRAM NATH, CJ.)

(J. B. PARDIWALA, J.)

/MOINUDDIN

