

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

PUBLIC INTEREST LITIGATION (L) NO.9228 OF 2021

Dhruti Kapadia & Anr. **Petitioners**
versus
The Union of India & Ors. **Respondents**

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Ms. Dhruti Kapadia with Mr. Kunal Tiwari, petitioners in person.
Mr. A. Y. Sakhare, Sr. Adv. with Mr. Rohan Mirpury and Ms. K. H. Mastakar for MCGM
Ms. Geeta Shastri , Addl. G.P for State
Mr. Anil C. Singh, ASG with Mr. Advait Sethna i/b Ms. Anusha P. Amin for R. No. 1, UOI.

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**CORAM :- DIPANKAR DATTA, CJ &
G. S. KULKARNI, J.**

DATE :- JUNE 14, 2021

PC :

1. In our order dated June 11, 2021 we had recorded submission of Mr.Sakhare, learned Senior Counsel appearing on behalf of the Municipal Corporation of Greater Mumbai (for short 'the MCGM'), that by a letter dated June 10, 2021, the Municipal Commissioner had informed the Secretary, Ministry of Health and Family Welfare, Government of India, of the MCGM's willingness to conduct door to door vaccination, and if permitted by the Government of India, such course of action could be commenced. We had accordingly adjourned the hearing of the proceeding for today to enable Mr.Singh, learned Additional Solicitor General to obtain the version of the Government of India on such letter of the MCGM.

2. Today Mr.Anil Singh informs us that Dr.Manohar Agnani, Additional Secretary, Ministry of Health and Family Welfare, Government of India has replied to the said letter of the MCGM interalia informing the Municipal Commissioner, that as per the COVID 19 vaccination guidelines, vaccination is provided at identified Government and Private vaccination centres. Such letter records that the State / UT's have been repeatedly advised to operationalize 'Near to Home COVID Vaccination Centres' (NHCVCs) in order to bring vaccination services closer to the community for elderly and differently abled persons and to operationalize such units in Community Centres, Resident Welfare Association centers/offices, housing societies, colonies, panchayat ghar/offices, school and college buildings, old age homes etc. in regard to which SOP has been issued on May 27, 2021. The letter also records that the issue of door to door vaccination for disabled and elderly was deliberated by technical experts in the meeting of 'National Experts Group on Vaccine Administration for COVID-19' (NEGVAC), which has advised that vaccination cannot be given at doorstep due to various issues and risks associated with maintenance of proper cold chain, potential contamination of vaccine, AEFI's management, vaccine wastage, potential of COVID-19 protocols being compromised, etc. In view of such considerations, the MCGM was advised to follow the guidelines and advisories as per the National Covid-19 Vaccination Programme. Mr.Singh would hence submit that the MCGM may follow such advice and wait for some time for any further guidelines / advisories to be issued.

3. Ms.Kapadia has placed on record compilation of documents which includes an order dated June 9, 2021 of the Division Bench of

High Court of Uttarakhand at Nainital in Writ Petition (PIL) No.58 of 2020 to submit that such High Court has directed the State Government to consider the possibility of creating a system in regard to 'door to door vaccination'. The compilation also includes a media report in regard to a statement of Shri.Rajesh Tope, Hon'ble Health Minister, Government of Maharashtra, that the State Health Department is working on allowing home inoculation for those who are bedridden and cannot go to the vaccination centres, for which the State Task Force on vaccination is in the process of formulating protocols and guidelines. The compilation of documents tendered by Ms.Kapadia also includes a media report that Bikaner is the first city in India to start door to door COVID vaccine for adults aged 45 years and above.

4. Ms.Shastri, learned Additional Government Pleader prays for time to take instructions on the materials as referred by Ms.Kapadia and more particularly, the statements as made by the Hon'ble Home Minister.

5. In the above circumstances, we made a query to Mr.Singh as to whether the Government of India has in any manner prohibited the State of Kerala, Union Territory of Jammu and Kashmir and the other States who have commenced door to door vaccination to stop the same. Mr.Singh has replied that what has been issued by the Government of India is merely a guideline/advisory. From such reply of Mr.Singh, it clearly appears to us that there is no categorical prohibition imposed by the Central Government for the States to undertake a door to door vaccination programme, for the elderly and disabled citizens as described by us in paragraph one of our order dated June 9, 2021.

6. Mr.Sakhare, learned Counsel has submitted that the MCGM would follow the directives of the State Government in regard to door to door vaccination and in the present circumstances, it would await the directions which may be issued by the State Government.

7. We accordingly, adjourn the proceedings to Tuesday next (**June 22, 2021**), to enable the State Government to take an appropriate decision on the issue of door to door vaccination of the elderly and disabled. In the event a decision is taken permitting door to door vaccination, prior to the adjourned date of hearing, all concerned shall be free to implement the same immediately.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)