

WWW.LIVELAW.IN
IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 353 of 2021

Shivani Kaushik

... Petitioner/s

Versus

Union of India & Ors.

... ... Respondent/s

-with-

Civil Writ Jurisdiction Case No. 9639 of 2021

Gaurav Kumar Singh

..... Petitioner/s

-Versus-

The Union of India & Ors.

..... Respondents

Appearance:

(In Civil Writ Jurisdiction Case No. 353 of 2021)

For the Petitioner/s	:	Ms. Shivani Kaushik (In Person) Mr. Mrigank Mauli, <i>Amicus Curiae</i>
For the Union of India	:	Dr. K.N. Singh (ASG) Mr. Anshuman Singh, Advocate
For the Respondents	:	Ms. Kanak Verma, CGC Mr. Abhimanyu Singh, Advocate
For the State	:	Mr. Lalit Kishore, Advocate General Mr. Anjani Kumar, AAG-4 Mr. Amit Kumar Jha, A.C. to AAG-4 Mr. S.D. Yadav, AAG-9 Mr. Alok Kumar Rahi, A.C. to AAG-4
For Respondent No. 5	:	Mrs. Binita Singh, Advocate
For Respondent No. 6	:	Mr. Shivender Kishore, Sr. Advocate
For the Respondents	:	Mr. S.D. Sanjay, Sr. Advocate
For the PMCH	:	Mr. P.K. Shahi, Senior Advocate Mr. Vikas Kumar, Advocate
For the PMC	:	Mr. Prasoon Sinha, Advocate
For the DMCH	:	Mr. Bindhyachal Rai, Advocate
For the GMC	:	Mr. Rabindra Kumar Priyadarshi, Advocate
For the Intervener	:	Mr. Yogesh Chandra Verma, Sr. Advocate



WWW.LIVELAW.IN

Mr. Prashant Sinha, Advocate

Mr. Rajiv Kumar Singh, Advocate

(In Civil Writ Jurisdiction Case No. 9639 of 2021)

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
Mr. Nikhil Singh, Advocate

For the UOI : Dr. K.N. Singh (ASG)
Mr. Anshuman Singh, CGC

For AIIMS, Patna : Mr. Binay Kumar Pandey, Advocate

For the State : Mr. Lalit Kishore, Advocate General

**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER**

(Per: HONOURABLE THE CHIEF JUSTICE)

**(The proceedings of the Court are being conducted by
Hon'ble the Chief Justice/ Hon'ble Judges through
Video Conferencing from their residential
offices/residences. Also, the Advocates and the Staffs
joined the proceedings through Video Conferencing
from their residences/offices.)**

41 27-07-2021 This is in continuation of our previous order dated
22.07.2021.

Learned Advocate General is not in a position to
assist the Court today on account of his prior engagement.

We have perused the affidavit dated 26th of July,
2021 filed by Shri Pratyaya Amrit, Additional Chief Secretary,
Department of Health, Government of Bihar.

Shri Anjani Kumar, learned Additional Advocate
General No. 4 invites our attention to the averments made in
the said affidavit, and more specifically the endeavour made by



WWW.LIVELAW.IN

the Government of Bihar in meeting the infrastructural requirements of the expected third wave of Pandemic Covid-19.

No doubt, much work has been done by the State in sensitizing the people, cautioning them of taking all precautions for adhering to the advisories issued by the experts and the State, more specifically with regard to Hand, respiratory and social hygiene. But, however, we find the affidavit on the issue of vaccination to be vague, inasmuch as it does not specify the number of persons eligible to be vaccinated, more specifically in the rural areas. Also, whether sufficient number of doses of vaccines are available with the Government or not? If not so, then as to whether request for enhanced quota for allotment stands made to the Union of India or not?

The affidavit does state that 71 per cent of the urban population of the State stands vaccinated, but then it is conspicuously silent with regard to the eligible population falling within the rural area.

The Government of Bihar has launched a campaign termed as Mission Mode “Six Crores in Six Months” and as of 21st of July, 2021, 2.20 Cr. Doses of vaccines stands administered, but then, should this process be not hastened up



WWW.LIVELAW.IN
is what we are desirous to know. Is it on account of lack of availability of vaccination; availability of infrastructure required for inoculation; or on account of reluctance/ hesitation on the part of the people in getting themselves vaccinated.

Also, we find that though the Government has put in place enhanced systems for testing, but for some reason the number of tests conducted on the daily basis is just 75,000(Approx). Whereas in the month of April/May, 2021, the testing had gone up to almost 1.25 lacs, then why this sudden drop in testing, is not clear from the affidavit. However, what is heartening to note is that the positivity rate for the month of July, 2021 stands reduced to almost 0.05 per cent (average).

We emphasize the policy of “Testing, Tracking and Treatment” needs to be implemented in Bihar with a greater vigor.

We also notice that the Government has increased the number of DCH, DCHC and CCC Centres in Bihar, having more number of availability of beds; oxygenated beds; ICU Beds and beds with ventilators. But the information furnished is not district-wise.

There has been an endeavour in enhancing and putting in place information for the availability, transportation



WWW.LIVELAW.IN

and storage of oxygen, which is highly appreciable. But then, this information also is not given district-wise.

As such, we direct the Principal Secretary (Health), Government of Bihar, Patna to file a supplementary affidavit focusing broadly, on two aspects i.e. vaccination and availability of health infrastructure at the district/sub-divisional level, both, generally and required for dealing with Covid-19.

At this point in time, we may also indicate that the Government has substantially relaxed the condition of lockdown, which has resulted into the people/general populace letting off their guard by not wearing masks and maintaining social distancing at public places.

It is here, we find that the role of Media becomes imperative in sensitizing the people of the need to continue to maintain their hand, respiratory and social hygiene, most significantly maintaining social distancing at public places. Significant role played by the Media can certainly help preventing the pain, suffering and anguish of the people in Bihar during the anticipated third wave of Covid-19. We have simply touched this issue, to be highlighted further.

List on 30th of July, 2021, before which date the affidavit be filed by the Principal Secretary.



WWW.LIVELAW.IN

The Court Master shall supply a digital copy of this order to all the learned counsel.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP-

U

