

IN THE HIGH COURT OF BOMBAY AT GOA

PUBLIC INTEREST LITIGATION WP NO.18 OF 2020

1. Jay Mathew and
2. Gauravvardhan Nadkarni Petitioners

Versus

State of Goa & Anr. Respondents

Petitioners present in person.
Mr. D. Pangam, Advocate General for the State.

AND

STAMP NUMBER (APPLN.) NO.1038 OF 2020

Uday A. Chari @ Uday A. Chari Priolkar ... Applicant

Versus

State of Goa & Anr. ... Respondents

Mr. R. Menezes, Advocate for the Applicant.
Mr. D. Pangam, Advocate General for the State.

AND

STAMP NUMBER (APPLN.) NO.1041 OF 2020

Adv. Chaitanya Padgaonkar ... Applicant

Versus

State of Goa & Anr. ... Respondents

None for the Applicant.

Mr. D. Pangam, Advocate General for the State.

Coram:- M. S. SONAK, J.

Date :- 30th March, 2020

ORDER

This is a letter petition addressed by the two law graduates in relation to medical facilities and the state of preparedness to combat COVID-19 pandemic.

2. The Petitioners, have basically raised four issues :-
 - (a) Personal protective equipment for doctors and medical staff;
 - (b) Hospital isolation and facility quarantine;
 - (c) Ventilators;
 - (d) Testing facilities.
3. Mr. D. Pangam, learned Advocate General has placed on record a detailed response dated 30th March, 2020 which is signed by the Secretary (Health). The response according to me addresses not only the issues raised by the Petitioners but several other issues as well in relation to the steps taken for combating the pandemic.

4. On the aspect of Standard Operating Procedures/Protocols, it is stated that such protocol has already been evolved and the same has been sent to the Indian Council of Medical Research (ICMR) for approval. A course of action to be adopted in interregnum is set out in the response.

5. On the aspect of preparedness, the response sets out the measures taken for awareness and training programme at the Goa Medical College (GMC); information helplines for COVID-19 and Mobile Apps made available for the benefits of the general public. There is also a reference to setting up of a “*task force*” and “*war room*”. A State Control Room has also been established to deal with the aspect of interstate travel, medical assistance and essential supply of medicines. The names of the officers who have been appointed as the Officer in the District of North Goa and South Goa have also been set out in the response.

6. The response, deals with the first issue raised by the Petitioners namely the personal protective equipment for doctors and medical staff. There is no doubt that this is an extremely vital aspect. The response, also acknowledges that the safety of the doctors and staff is of paramount importance and steps are being taken to provide full personal

protective equipment to the doctors and staff, which includes but it is not restricted of providing necessary masks, hand sanitizers etc. The response also speaks of impart of necessary training to the doctors and other staff at the hospital. He stated that all doctors and staff have been provided with chemo prophylaxis with over 17,000 tablets hydroxylchloroquine as per the ICMR guidelines to protect them from developing any serious COVID complications.

7. Taking into consideration this response, this Court is presently satisfied that the first issue raised by the Petitioners is suitably addressed by the State.

8. The second issue relates to the hospital isolation and quarantine facilities. Again, in this regard, the response points out that the ESI hospital at Margao has already been designated as COVID-19 hospital. This hospital is a 100 bedded hospital and every effort is being taken to equip this hospital for necessary facilities.

9. In so far as the quarantine facilities are concerned, the response refers to at least five quarantine centres in North Goa and five quarantine centers in South Goa. The response sets out the beds capacity of these quarantine centres. Apart from this, it is stated that isolation

facilities are made available to several Government hospitals. A list of these hospitals alongwith number of beds available for this isolation facilities have also been set out.

10. The response states that isolation facilities have been made available at listed private hospitals. The number of beds available for isolation at these centres has also been set out. According to me, this addresses the issue relating to isolation and quarantine facilities for the present.

11. On the aspect of ventilators, the response sets out the number of ventilators presently available but more importantly there is a statement that orders have been placed to procure almost 200 additional ventilators. There is no reason to even doubt that the State will not take all efforts to procure these additional ventilators at the earliest.

12. Next issue relates to testing facilities. The response states that till recently there were no testing facilities in Goa and hence samples were collected and sent to Pune and Mumbai. However, it is now pointed out that the virology laboratory to test the samples for COVID-19 have now been established at GMC. A team of doctors

from Goa had already been sent to the National Institute of Virology, Pune, for training and such trained doctors are now available. The response states that trial tests have already commenced and the actual testing and reporting is expected to start within a day or two.

13. The response also states that presently, kits are available to test about 400 cases. More kits have already been ordered and again there is absolutely no doubt that the State will not pursue the matter for acquisition of these additional kits. The response states that authorities have already taken cognizance of the revised testing strategy for COVID-19 issued by the ICMR on 21st March, 2020.

14. In regard to the approval to be granted to the private testing centres, the response states that such approvals are required to be granted by ICMR. Presently, it is stated that no private institutions have applied for any such approval. Again, we have no reason to doubt that should any private institutions apply for such approval, the authorities will forward by them the applications with their observations to the ICMR, at the earliest.

15. In matters of this nature, particularly, considering the proportion of pandemic, it is futile to expect any full proof measures. However,

from the material placed before this Court, it is apparent that the State and its authorities are alive to their responsibilities and making efforts to combat this pandemic. The response also speaks about the orders placed or steps taken to procure additional equipment facilities. Again, there is no doubt to suppose that these matters will not be pursued with urgency.

16. Mr. Uday Chari has filed an intervention application. Mr. R. Menezes, learned counsel for the intervenor has invited attention of this Court to several suggestions which applicant has to make. The applicant, is at liberty to make such suggestions to the Secretary (Health) and again, there is no doubt that such suggestions will be taken into consideration by the Secretary (Health) and the State Administration.

17. Advocate Mr. Chaitanya Padgaonkar has also addressed letter/petition to this Court. In so far as the issues relating to medical preparedness are concerned, I am satisfied that to a great extent there is overlap with the main letter petition. In any case, even Mr. Padgaonkar is at liberty to address email to the Secretary (Health) and again, there is no doubt to suppose that his suggestions or concerns will be duly addressed by the Authorities.

18. The learned Advocate General states that the copies of the intervention applications which contain several suggestions will be handed over to the Secretary (Health) for his consideration.

19. Accordingly, the letter petition and the intervention applications therein are disposed of.

20. All concerned to act on the basis of the authenticated copy of this order.

M. S. SONAK, J.

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