



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D.B. Civil Writ Petition (PIL) No. 5947/2021

1. Ms. Mallika Singh Daughter Of Mr. Narendra Singh, Aged About 27 Years, Resident Of 2-Ga-7, Jawahar Nagar, Jaipur, Rajasthan- 302004

2. Mr. Parth Pareek Son Of Mr. Prem Prakash Pareek, Aged About 28 Years, Resident Of E-157, Ramesh Marg, C-Scheme, Jaipur, Rajasthan- 302001

----Petitioners

Versus

1. Union Of India, Through Its Secretary, Department Of Medical Health And Family Welfare, Cabinet Secretariat, Raisina Hill, New Delhi- 110004, India.

State Of Rajasthan, Through Its Chief Secretary, Government Of Rajasthan, Secretariat, Jaipur.

3. Principal Secretary, Department Of Medical, Health And Family Welfare, Government Of Rajasthan, Secretariat, Jaipur.

----Respondents

For Petitioner(s) : Petitioner No. 2 in person, through video conferencing

**HON'BLE MRS. JUSTICE SABINA
HON'BLE MR. JUSTICE MANOJ KUMAR VYAS**

Order

28/06/2021

Petitioners have filed the petition by way of Public Interest Litigation under Article 226 of the Constitution of India. Prayer Clause of the petition reads as under:-

"It is, therefore, respectfully prayed that the writ petition of the petitioner may kindly be allowed with cost and further the Hon'ble Court may be pleased to direct the respondent to:-

(i) Direct the respondent to ascertain if any vaccine is covered by any patent/s, and if so, issue



government authorization under Section 100 or compulsory licence Section 92 of the Patents Act in respect thereof with a further direction to the Drugs Controller General of India (DCGI) through Respondent No. 1 to take measures to share the trade secrets related manufacturing process of vaccines to scale up the production of vaccines;

(ii) Direct the respondents to identify potential state-owned vaccine manufacturers to avert the shortage of vaccines;

(iii) Direct the Respondents to disclose its plans to increase production capacities of vaccines of private and public sector units and how much investment it is proposing to make in the public sector units;

(iv) Any other appropriate order or direction which may be considered just and proper in the facts and circumstances of the case may kindly also be issued in favour of the petitioners."

After hearing petitioner No. 2, we are of the opinion that no ground for interference while exercising extraordinary writ jurisdiction, is made out as the issue involved in the present case relates to a policy decision to be taken by the respondents.

Dismissed.

(MANOJ KUMAR VYAS),J

(SABINA),J

Pooja /23

सत्यमेव जयते