

HIGH COURT OF ANDHRA PRADESH : AMARAVATI**MAIN CASE: W.P (PIL) Nos.226 of 2020 & 77 of 2021****PROCEEDINGS SHEET**

Sl. No.	DATE	ORDER	OFFICE NOTE
14	06.05.2021	<i>(Taken up through video conferencing)</i> Heard Mr. Y.V. Ravi Prasad, learned Senior Counsel appearing as <i>Amicus curiae</i> assisted by Mr. N. Ashwani Kumar, learned counsel. Also heard Mr. Srinivasa Rao Narra, learned counsel for the petitioner in W.P.(PIL) No.226 of 2020 and Mr. Suresh Kumar Potturi, learned counsel for the petitioner in WP (PIL) No.77 of 2021. Also heard Mr. S. Sriram, learned Advocate General, Mr. P. Sudhakara Reddy, learned Additional Advocate General, Mr. C. Sumon, learned Government Pleader appearing for the State and Mr. N. Harinath, learned Assistant Solicitor General of India, on behalf of the respondents. Mr. Y.V. Ravi Prasad, at the outset, submits that he requested Mr. N. Ashwani Kumar to make telephone calls to the Nodal Officers of 56 Covid Hospitals in Vijayawada on the contact numbers published in the newspapers. It is submitted that according to Mr. N. Ashwani Kumar, 34 Nodal Officers responded to his telephone calls and 22 Nodal Officers did not respond to the calls made. All 34 Nodal Officers, who responded to his calls, informed that there are no beds available in the hospitals. On a query of the Court, Mr. N. Ashwani Kumar submits that he called four times to each of the Nodal Officers who did not pick up his phone calls and yet, there was no reply. Mr. N. Ashwani Kumar will furnish the list of 34 Nodal Officers, who responded and 22 Nodal Officers, who did not respond to his phone calls, during the course of the day, to Mr. C. Sumon. Mr. C. Sumon will take appropriate instructions and inform the Court, on the basis of enquiries made, the steps taken in respect of the	

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		erring Nodal Officers, if any, by the next date fixed. If that be the case, proper management and streamlining of the hospitals relating to admission etc., for the benefit of the people, who go to the hospitals, will be seriously jeopardised. Mr. N. Ashwani Kumar has also submitted that in some of the hospitals, doctors have been appointed as Nodal Officers. Mr. C. Sumon also agreed that it is not in accordance with the guidelines. Mr. N. Ashwani Kumar also submits that some of the phone numbers given do not pertain to the State of A.P. These are issues which need to be addressed and Mr. N. Ashwani Kumar will furnish detail information in that regard to Mr. C. Sumon before the next date fixed and he will also furnish the said information by filing a memo. Mr. Y.V. Ravi Prasad has submitted that in the material papers produced before the Court, phone numbers of Nodal Officers are indicated but such numbers do not match with the numbers given in the newspapers in many of the cases. Mr. C. Sumon will verify the numbers published in the newspapers and the numbers shown in the material papers filed before the Court and instruct the authorities to take immediate corrective action. It is made clear that this kind of omissions and commissions, which displays total non-application of mind, will not be viewed lightly. It is submitted by Mr. Y.V. Ravi Prasad that Nodal Officers are supposed to be present before break-fast and up to dinner in the hospitals to assist the patients coming to Covid Hospitals. He submits that no Nodal Officers are detailed during night time. Accordingly, he submits that it will be most appropriate for the State to consider posting of Nodal Officers 24 x 7 in all the Covid Hospitals. This submission of Mr. Y. V. Ravi Prasad shall be considered by the State and response may be placed on the next date fixed.	

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		Mr. Y.V. Ravi Prasad submits that there appears to be lack of coordination between various levels in the machinery involved in the administration and implementation of the guidelines and this issue is required to be looked into by the State with utmost priority. We agree with his submission that it is of paramount importance that everybody in the system dealing with this pandemic, work with synchronization and cohesion, so that there is no slackness in implementation of the guidelines and all who need medical attention and care can seamlessly avail the requisite health care. The State is directed to examine the issue and ensure meaningful co-ordination at all levels. Though it is sought to be highlighted by the learned counsel appearing for the Government that there is no scarcity of beds, Mr. Potturi Suresh Kumar submitted that when he telephoned the Collector Camp Office, he was informed that there is a waiting list of 150 persons for admission in the hospitals. If there are vacancies, it is not understood as to how there can be a waiting list. These are matters that should be looked into by the State and apprised to the Court on the next date fixed. Mr. Y.V. Ravi Prasad has submitted that even if beds are available, not all beds are made available to the patients seeking admission. We require the State to examine the submission made by Mr. Y.V. Ravi Prasad and take requisite corrective steps, if necessary. Mr. Y.V. Ravi Prasad has drawn the attention of the Court to the affidavit filed on 23.04.2021 and the memo filed on 27.04.2021 to contend that there is a mismatch with regard to figures relating to number of Covid hospitals, number of beds etc. In response, Mr. C. Sumon submits that the State is regularly setting up more infrastructure and therefore, there was change in the numbers shown in the memo	

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		dated 27.04.2021 and affidavit dated 23.04.2021. At this juncture, Mr. C. Sumon submits that as on today, even the figure as shown in the memo dated 27.04.2021, has changed in respect of hospitals and as on today, there are 638 earmarked Covid hospitals. Considering the number of people who are suffering from Covid-19 daily, it will not be unreasonable to opine that in the coming days, if the current rate of infection continues, there will be requirement of many more beds in the hospitals. The State shall give due consideration with regard to increasing the number of beds, number of beds in ICU and ventilators etc. With regard to Covid Care Centres, it is submitted by Mr. Y.V. Ravi Prasad that it may be appropriate to set up Covid Care Centres at many places so that the geographical distance to a particular Covid Care Centre is reduced, as according to him, there are many instances where people have to travel long distance to avail the facility of Covid Care Centres. With regard to availability of oxygen, it is submitted by Mr. C. Sumon that by letter dated 08.05.2021, the State had requested the Central Government to make available to the State 800 MTs of oxygen per day. Out of aforesaid 800 MTs, 300 MTs was requested to be made available from Bellari and Chennai so as to cater to the hospitals in Rayalaseema area, being in close proximity. In this connection, it is also submitted that on 28.04.2021, two letters were issued to the Central Government: one for 4000 number of oxygen concentrators and the other one for allocation of 42 more Pressure Swing Absorption (PSA) plants for generation of oxygen for captive consumption. By the next date, Mr. Harinath will obtain instructions with regard to the consideration on the aforesaid letters submitted by the State of A.P. Copies of the aforesaid letters have already been furnished to Mr. Harinath by Mr. C.Sumon. It is pointed out by Mr. Y.V. Ravi Prasad that there	

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		are newspaper reports that some deaths have occurred due to lack of oxygen. However, it is refuted by Mr. Sudhakara Reddy saying that it was not because of lack of supply of oxygen. On the next date fixed, the State will produce before the Court report in connection with the aforesaid deaths. It is submitted by Mr. Sudhakara Reddy that because of number of tests done, the result of testing in certain cases takes up to 36 hours, though in cases of acute nature, the results are given in 12 hours. He has submitted that delay in giving reports is taking place on account of, amongst others, the distance between the collection centres and laboratories. In view of the aforesaid submission, we require the State to consider setting up of more laboratories in various locations to expedite result of the testing, which in our considered opinion, may reduce spread of infection. Another issue flagged by Mr. Y.V. Prasad is that pregnant ladies infected with Covid are denied admission in Covid Hospitals and, accordingly, he submits that the State should take appropriate steps in this regard, if necessary, by reserving some beds in maternity hospitals. This aspect of the matter shall also be looked into by the State and response thereto may be given on the next date fixed. Mr. Y. V. Ravi Prasad has also submitted that response from 104, which is a helpline number provided by the State in relation to Covid issues, is not coming. He submits that when Mr. N. Ashwani Kumar tried calling up 104 five times, there was no response. If the helpline number is not effectively managed, it will result in severe adverse consequences. This aspect will be looked into by the State and response will be placed on the next date fixed. There should be every attempt by the State to make sure that these pivotal aspects, which go a long	

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		way in management of Covid-19, are seriously addressed and deficiencies are immediately rectified for the effective functioning of the system. Registry will list these cases before the first Vacation Bench for motion hearing. ARUP KUMAR GOSWAMI, CJ C. PRAVEEN KUMAR, J Nn	

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