

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. 17398 of 2018

Rohit Kumar

... .. Petitioner/s

Versus

The State of Bihar and Ors

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 9639 of 2021

Gaurav Kumar Singh

... .. Petitioner/s

Versus

The Union of India & Ors.

... .. Respondent/s

Appearance :

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

For the Petitioner/s : Ms. Shivani Kaushik (In Person)
Mr. Mrigank Mauli

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

For the State : Mr. Ranjit Kumar, Sr. Advocate

Mr. Lalit Kishore, AG

Mr. Anjani Kumar, AAG-4

Mr. S.D. Yadav, AAG-9

For Respondent No. 5 : Mrs. Binita Singh

For Respondent No. 6 : Mr. Shivender Kishore, Sr. Adv.

For PMC : Mr. Prasoon Sinha

For DMCH : Mr. Bindhyachal Rai

For GMC : Mr. Rabindra Kr. Priyadarshi

For the Intervener : Mr. Rajiv Kumar Singh

(In Civil Writ Jurisdiction Case No. 17398 of 2018)

For the Petitioner/s : Mr. Manish Kumar No 13

For the State : Mr. Subhash Prasad Singh, GA-3

For Respondent No. 6 : Mr. Kumar Ravish

Ms. Parul Prasad(Amicus Curiae)

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

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For the Petitioner/s : Mr. Sumeet Kumar Singh
For the UOI : Mr. (Dr.) K.N. Singh (ASG)
Mr. Anshuman Singh, CGC
For AIIMS, Patna : Mr. Binay Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

15 04-05-2021

Re : IA No. 01 of 2021 & 02 of 2021

in

CWJC No. 353 of 2021 and other analogous matters

The Court records, at this stage, total dissatisfaction over the progress made by the Health Department, Government of Bihar on many fronts in fighting COVID crises. Illustratively, it would be evident from our order dated 23.04.2021 that we were assured on behalf of the State of Bihar that 60 oxygen beds were available in ESIC Hospital, Bihta, which were in the process of being enhanced to 500 beds. In our previous order dated 03.05.2021 we have recorded that the State Government has not been able to ensure proper utilization of even 60 oxygen beds, let alone, enhancing the number of beds, primarily because of non-supply of medicines.

Mr. Lalit Kishore, learned Advocate General has informed this Court that the Executive Director, Bihar Health Society has been directed on 03.05.2021 to make available fund to the tune of Rs. 50 lakhs to the District Magistrate-cum-

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Chairman, District Health Society, Patna, for supplying the said drugs/ medicines,. Undeniably thus, so far there was no supply of medicines in the facility at ESIC, Hospital, Bihta.

Various orders, which we have passed in the present matter, right from the day one i.e.15.04.2021, when it was taken up for the first time, speak for themselves. At this stage, in our opinion, if some drastic step is not taken, the situation in the State of Bihar, arising out of COVID crisis, which has already gone beyond control, is likely to deteriorate to immeasurable proportions. This Court will be failing in its duty if necessary orders are not passed befitting the present situation, in the larger public interest, to ensure protection of right to life of the people in the State of Bihar.

Mr. Lalit Kishore, learned Advocate General, has submitted that before any order is passed by this Court, the State of Bihar may be given an opportunity to file affidavit, as, according to him, the State Government has successfully met the challenge arising out of COVID-19 crisis, has done the best which could have been done and there has been substantial increase in the healthcare facilities and COVID beds to facilitate treatment of the COVID patients.

Let an affidavit be filed on behalf of the State of Bihar

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by 06.04.2021 at 10.30 a.m., a copy of which must be communicated in the evening of 05.04.2021. The State of Bihar shall be obliged to keep in mind various facts emerging from the orders passed by this Court from time to time in this matter, while filing the counter affidavit.

Dr. K.N. Singh, learned Additional Solicitor General for India shall, in the meanwhile, seek instructions in the light of today's proceedings so that the Court may pass appropriate orders on 06.04.2021.

We refrain from issuing any direction today, despite the fact that in spite of repeated directions issued by this Court, in the Court's opinion, most of them have remained on paper and have not been complied with, awaiting the response of the State Government.

This is to be noted at this juncture that in the midst of today's proceeding, Mr. Lalit Kishore has informed this Court that a lockdown has been imposed till 15.04.2021 in the State of Bihar.

List this case on 06.04.2021 to be taken up at 11.30 p.m.

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(Chakradhari Sharan Singh, J)

(Mohit Kumar Shah, J)

Rajesh/-

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