

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

THURSDAY, THE SECOND DAY OF APRIL, TWO THOUSAND AND
TWENTY

:PRESENT:

THE HONOURABLE THE CHIEF JUSTICE SRI JITENDRA KUMAR MAHESHWARI

AND

THE HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

TAKEN UP WRIT PETITION (PIL) No. 86 OF 2020

In Re. Corona Virus-COVID-19 PANDEMIC

Verus

1. The Government of Andhra Pradesh, Represented by its Chief Secretary, Secretariat, Velagapudi, Guntur District.
2. The Principal Secretary, Health-Medical and Family Welfare Department, Secretariat, Velagapudi, Guntur District.
3. The Director of Medical Education, AP, Vijayawada.
4. Union of India, Represented by Secretary for Health & Family Welfare.

...Respondents

This petition coming on for hearing, upon perusing the material on record including reports and on hearing the arguments of Sri Rapolu Bhaskar, Advocate/petitioner and Sri C.Sumon, Special Government Pleader for Advocate General for respondent Nos.1 to 3 and Sri B.Krishna Mohan, Assistant Solicitor General for Union of India on behalf of respondent No.4, the Court made the following

ORDER :-

Per J.K. Maheshwari, CJ

In view of the order passed on 01.04.2020, the mater has been taken up. The Inspection Report submitted by Sri T.Mallikarjunarao, I Additional District Judge, West Godavari, Eluru has been placed on record. As per the said report, it is clear that at the time when the statement was made to the Court that the Personal Protection

Equipment (PPE) have been provided to the Hospital does not appear to be correct. In fact, those PPE was provided after passing the order by this Court at 6.30 pm as per the report. It also reveals from the report that prior to that, HIV kits were provided. However, as we have already observed in the previous order that we are not taking this PIL as adversary litigation and in fact the concern of the Court is to the health treatment facilities to the patients and Doctors, who are facing the Corona virus (COVID-19) cases.

We have heard the Special Government Advocate Sri C.Sumon on behalf of the Advocate General, Sri B.Krishna Mohan, Assistant Solicitor General for Union of India and the counsel for the petitioner.

During the course of argument, the Special Government Advocate Sri C.Sumon tried to justify the action of the Government referring to the chart prepared and the rational use of PPE kits issued by WHO.

On the other hand, Assistant Solicitor General filed the guidelines issued by the Central Government which is required to be observed by all the State Governments and the order passed by the Hon'ble Supreme Court in W.P.(PIL) 468 of 2020 dated 31.03.2020, in which the Court has observed that the Government authorities shall take note of in WHO guidelines and the instructions so issued by the Central Government.

The learned counsel for the petitioner contends that the Advocates are not in a position to earn their livelihood, however in view of the directions issued by the Kerala High Court and Madras High Court, some directions to pay the interim amount to the Advocates may be issued. In addition, it is also contended that the masks, sanitizer and the facilities must be provided to the general public by the State Government looking to the scarcity of the masks and the sanitizers.

After hearing learned counsel appearing on behalf of both the parties and looking to the report as well as the arguments so advanced, the concern of the Court is to the extent that patients, who were found COVID-19 positive in ASRAM Hospital, Eluru have been shifted to Government General Hospital, Eluru and their treatment is going on, but whether those patients have been duly treated providing all facilities or not is not available on record. However, it shall be made available for perusal on the next date.

The test reports of the suspected patients, who have been brought to the ASRAM Hospital, Eluru be also made available and out of them if some were found positive, due treatment be provided, otherwise the remaining patients be kept in supervision/quarantine as per the protocol.

In view of the aforesaid, we adjourn the case, asking report from the State Government with a further observation that the State authorities shall comply with the observation of Hon'ble Supreme Court in the order dated 31.03.2020 (supra) and observe the guidelines so issued by the Central Government in the matter of providing treatment to the patients and make available the facilities to the Doctors and the Staff who are involved in treating and providing other basic facilities in the Hospital to COVID – 19 positive cases.

The report to that effect be also made available by the next date of hearing.

Matter be listed in the next week on the first sitting of the Bench for urgent cases.

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Sd/-T.VENUGOPAL RAO
REGISTRAR (JUDICIAL)