

In the High Court of Judicature at Patna
CWJC No. 5631 of 2020

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Sam Uttan a registered society having its state office at Gandhi Gram Kushth Ashram, Ward number 06, Motipur, Muzaffarpur through its Deputy Secretary namely Ramesh Prasad son of Late Mahendra Prasad resident of Ward No. 12, Ram Nagar Kushth Ashram, Khagaul, P.S. Khagaul, District – Patna

..... Petitioner

Vs.

- 1.The Union of India through the Secretary, Ministry of Social Justice And Empowerment, Govt. of India, New Delhi
- 2.The Secretary, Ministry of Social Justice And Empowerment, Govt. of India, New Delhi
- 3.The State of Bihar through The Chief Secretary, Government of Bihar, Patna
- 4.The Principal Secretary, Department of Social Welfare, Government of Bihar, Patna
- 5.The District Magistrate, Patna
- 6.The District Magistrate, East Champaran,
- 7.The District Magistrate, Muzaffarpur
- 8.The District Magistrate West Champaran,
- 9.The District Magistrate, Samastipur
- 10.The District Magistrate, Sitamarhi
- 11.The District Magistrate, Bhojpur,
- 12.The District Magistrate, Purnea
- 13.The District Magistrate, Araria
- 14.The District Magistrate, Madhepura
- 15.The District Magistrate, Kishanganj

Appearance:

For the Petitioner : Mr. Gautam Kejriwal, Advocate

For the State : Mr. Pushkar Narain Shahi, AAG-6

For Union of India : Mr. S.D. Sanjay, Additional Solicitor General
of India assisted by Mr. Ratnesh Kumar,
Advocate

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Coram: Hon'ble Mr. Justice Dinesh Kumar Singh
And

Hon'ble Mr. Justice Anil Kumar Sinha
Per: Hon'ble Mr. Justice Dinesh Kumar Singh

Oral Order

04.05.2020 Heard learned counsels for the petitioner and the respondents through video conferencing.

The petitioner Sam Utthan, a registered society, has preferred the present writ application *pro bono publico* for issuance of a direction to the respondent authorities, particularly, the State of Bihar to provide the leprosy patients residing in various colonies in the State of Bihar, food grains, cooked food, medical facilities, provision of sanitization and to create a hygienic atmosphere for living in their residential area. The relief prayed for in the writ application reads as follows:

- a) For issuance of a writ or order or direction upon the respondents to provide the leprosy patients and their family members residing in various colonies in the state of Bihar with either cooked food, drinking water and other eatables essential for survival on regular bail during the period of lockdown or to provide dry food articles and cooking arrangement keeping in view the difficulty in movement in the society especially for leprosy patients and their families at this hour;

- b) For issuance of a writ or order or direction upon the respondents to provide bandages, drugs and other essential ointments required for daily application to wounds and abscess of leprosy victim as it is not possible for leprosy patients to move out to such sources in this phase of pandemic;
- c) For issuance of a writ or order or direction upon the respondents to take necessary steps for sanitization of the localities sheltering such leprosy patients specially during this hour of pandemic which requires ultimate level of cleanliness, disinfection and maintenance of hygienic atmosphere for human beings to avoid the disastrous effects of covid-19;
- d) For holding and a declaration that the leprosy patients and their dependents are already deprived of basic resources for clean, hygienic and sanitized living atmosphere in their temporary hutments and colonies and therefore in the present phase of pandemic it is inevitable to make available all such arrangements for them to ensure avoidance of any casualty as a result of any infection;
- e) For grant of any other relief or reliefs which may be granted in the facts and circumstances of this case.

Mr. Gautam Kejriwal, learned counsel for the petitioner submits that the leprosy patients are neither getting proper cooked food/food grains nor medical facilities nor the sanitation facilities nor proper living atmosphere, particularly, during present pandemic COVID-19, as a result, their living has become hazardous. It is further submitted that the food grains

are provided only to such leprosy patients who are having ration cards. Hence, the present writ application.

Mr. Pushkar Narain Shahi, learned AAG – 6, however, submits that the State Government is giving Rs.1500/- per month under Bihar Shatabdi Kushth Kalyan Yojna to each leprosy patient, Rs.1000/- per month to the children of such patients under Parvaris Yojna and Rs.400/- per month as disability pension to each patient. Moreover, such amounts have already been paid in advance for this month. It is further submitted by Mr. Shahi that issue regarding supply of food grains to citizens having no ration cards or the principles of ‘One Nation One Ration Card’ is pending consideration before the Government of India in pursuance to the order dated 30.04.2020 passed by the Apex Court in Writ Petition (C) Diary No. 11031 of 2020 (Aayom Welfare Society Vs. Union of India and Ors.). However, he prays for short adjournment to file counter affidavit.

Mr. S.D. Sanjay, learned Additional Solicitor General of India appearing on behalf of the Union of India, submits that at present he has no instruction with regard to the issue in

question but he will file counter affidavit stipulating therein the response of the Central Government on the issue in question.

Having heard learned counsels for the parties, we are of the opinion that Bihar State Legal Services Authority through its Member Secretary be added as party respondent no.16. Let the learned counsel for the petitioner serve a copy of the writ petition upon Mr. Patanjali Rishi, learned counsel for respondent no. 16 by 6.5.2020 through e-mode.

It is expected from the Member Secretary, Bihar State Legal Services Authority to get a report from the Secretaries of all the District Legal Service Authorities with regard to legal aid, financial aid/transfer of money under various schemes, distribution of food grains, medical and sanitization facilities provided to leprosy patients as well as living conditions of such leprosy patients. Let a comprehensive report to that effect be brought on record before the next date of hearing.

Let this matter come up on board on 14th May, 2020.

In the meantime, it is expected from the respondent authorities, particularly, the Chief Secretary, Government of

Bihar to monitor for the present, in view of the spread of pandemic Covid-19, particularly, the issue of the supply of food grains/cooked food/clean drinking water including the medical facilities to leprosy patients.

Let the Registry transmit a copy of the order to the respective learned counsels for the parties including Mr. Patanjali Rishi, Advocate.

Let the name of Mr. Patanjali Rishi, learned counsel for respondent no. 16 appear in the daily cause list.

(Dinesh Kumar Singh, J.)

(Anil Kumar Sinha, J.)

Anil/