

[3173]

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

WEDNESDAY, THE TWENTY SEVENTH DAY OF MAY
TWO THOUSAND AND TWENTY

: PRESENT:

**THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND**

THE HON'BLE SRI JUSTICE B.VIJAYSEN REDDY

WP(PIL) NOS: 84 AND 79 OF 2020

WP(PIL) No. 84 of 2020

Between:

Ms. Sreenitha Pujari, Advocate, H.No.7-11-149, Srinivasa Colony, Gadwal Town, Jogulamba,
Gadwal District. Ph. 8143139887. Srinitha0212@gmail.com

Petitioner

AND

1. Union of India, rep. by its Secretary Department of Medical and Health, Central Secretariat, New Delhi.
2. Indian Council of Medical Research (ICMR), COVID-2019, New Delhi.
3. State of Telangana, Rep. by its Chief Secretary, Secretariat, Hyderabad.
4. State of Telangana, Represented by its Principal Secretary, Medical and Health Department, Secretariat, Hyderabad.
5. The Director of Medical and Health, Government of Telangana, Koti, Hyderabad.
6. The District Collector, Gadwal District, Gadwal.
7. The Superintendent, Government Hospital, Jogulamba, Gadwal District.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the letter dated 30/04/2020 sent by the petitioner herein through email, the High Court may be pleased to issue an appropriate Writ, Order or Orders more particularly, one in the nature of a Writ of Mandamus to call for records and remarks from the Respondents herein relating to and in connection with failure of the State Government to protect and safe guard meaningful access to essential health services to pregnant women and for neonatal care during lockdown of Covid-19 though revised Guidelines are issued on 14/04/2020 by Government of India, which enables delivery of essential health services during the COVID-19 outbreak(On 24.04.2020, Government Hospital, Jogulamba, Gadwal District has denied one pregnant women namely Jenila who belongs to Ieeja Mandal of Jogulamba Gadwal District (which was declared as Red Zone Area) to deliver a baby, on the ground of haemoglobin and high blood pressure, however, on the aid of the District collector and Superintendent of Police of Jogulamba Gadwal District, she was sent to Mahabubnagar District in an ambulance, and due to non-availability of Doctors, the pregnant woman was forced to shift from 7 (seven) various hospitals and after travelling more than 15 hours in an ambulance admitted in Osmania Hospital, Hyderabad and unfortunately, due to delay of admission in hospital, the women and infant baby died). Consequently to direct the Respondents herein

- 1) to ensure that in every COVID-19 hotspot or Red Zone, a Nodal Officer is appointed whose contact number(s) is publicly made available for accessing non COVID-19 related health services, including reproductive health and ensure provision of ambulances which are not ferrying COVID-19 patient
- 2) to institute dedicated help lines for women seeking non COVID19 essential health services during the lockdown and make the numbers publicly available
- 3) to ensure that pregnant women requiring medical facilities are taken safely and at the earliest to the nearest non COVID-19 designated hospitals
- 4) to ensure that private vehicles carrying pregnant women are allowed to move freely without insisting on a Movement Pass
- 5) to place a cap on the price/fees charged for medical services rendered by private hospitals/health facilities, relating to childbirth, maternity, neonatal care and abortion services during COVID-19 restrictions / lockdown
- 6) to provide sufficient compensation to the victim's family from the victim welfare fund.

The petition coming on for hearing, upon perusing the Petition and letter dated 30/04/2020 sent by the petitioner herein through email, and upon hearing the arguments of Sri Namavarapu Rajeshwar Rao, Assistant Solicitor General for the respondent No 1 and 2 and Advocate General for the respondent No. 3 to 7.

WP(PIL). No. 79 of 2020

Between:

Sri K.Kishore Kumar, Chinna Thandrapad Village, Ieeza Mandal, Jogulamba Gadwal District, Telangana M.7386495888 kishoresaakshi@gmail.com,

Petitioner

AND

1. State of Telangana, Rep. by its Chief Secretary, Secretariat, Hyderabad.
2. State of Telangana, Represented by its Principal Secretary, Medical and Health Department, Secretariat, Hyderabad.
3. The Director of Medical and Health, Government of Telangana, Koti, Hyderabad.
4. State of Telangana, Represented by its Principal Secretary, Women and Child Welfare Department, Secretariat, Hyderabad.
5. The District Collector, Jogulamba Gadwal District, Gadwal.
6. The Superintendent, Government District Hospital, Jogulamba Gadwal District, Gadwal.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the letter dated 29/04/2020 sent by the petitioner herein through email, the High Court may be pleased to issue an appropriate Writ, Order or Orders more particularly, one in the nature of a Writ of Mandamus to call for records and remarks from the Respondents herein relating to and in connection with ensuring pregnant women are given urgent care in Government Hospitals in the State of Telangana and not make them run for nearly 200 km, as happened in a heart-wrenching incident occurred in Gadwal (a 20 year old pregnant women, Jenila, from Yapadine village of Ieeja Mandal, Jogulamba Gadwal District) due to bureaucratic interpretation of Guidelines that has tragically led to the death of both the pregnant woman and her just delivered infant and to issue clear instructions to all hospitals to treat patients on the basis of medical emergencies and to not stick to bureaucratic norms that would endanger the lives of the patients as there is every possibility of such tragic incidents recurring in the State of Telangana.

Consequently to direct the Respondents herein to issue clear instructions to all hospitals in the State of Telangana to treat patients on the basis of medical emergencies and to not stick to the bureaucratic norms which would endanger the lives of patients as there is every possibility of such tragic incidents recurring in the State of Telangana.

The petition coming on for hearing, upon perusing the Petition and letter dated 29/04/2020 sent by the petitioner herein through email, and upon hearing the arguments of Advocate General for the Respondents, the Court made the following.

COMMON ORDER:

A counter affidavit has been filed by respondent No. 2. The same shall be taken on record.

According to the counter-affidavit, departmental proceedings have been initiated against those doctors, who were found to be negligent in the case of Smt. Janila, a pregnant woman, who lost her life. It seems that no criminal action has been initiated, either against the said doctors, or against the concerned hospital. Therefore, this Court would like to know whether any criminal action has been initiated against the negligent doctors/hospital.

It has been suggested to the respondents to ensure that Ambulances are available on National and State Highways as migrant workers, including

pregnant women, are using the highways to reach their destinations. Moreover, the pregnant women of our villages need to be rushed to hospitals. So far, no information has been furnished by the respondents with regard to the availability of these Ambulances on the National and the State Highways.

Therefore, the learned Advocate General is directed to inform this Court about the same.

List these cases on 10.06.2020.

Sd/- K.AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Secretary, Department of Medical and Health, Union of India, Central Secretariat, New Delhi.
 2. The Indian Council of Medical Research (ICMR), COVID-2019. New Delhi.
 3. The Chief Secretary, State of Telangana, Secretariat, Hyderabad.
 4. The Principal Secretary, Medical and Health Department, State of Telangana, Secretariat, Hyderabad.
 5. The Principal Secretary, Women and Child Welfare Department, State of Telangana, Secretariat, Hyderabad.
 6. The Director of Medical and Health, Government of Telangana, Koti, Hyderabad
 7. The District Collector, Gadwal District, Gadwal.
 8. The Superintendent, Government Hospital, Jogulamba, Gadwal District.
(Addressees 1 to 8 by RPAD)
 9. One CC to Sri Namavarapu Rajeshwar Rao, Assistant Solicitor General, High Court for the State of Telangana at Hyderabad (OPUC)
 10. Two CC to Advocate General, High Court for the State of Telangana at Hyderabad (OUT)
 11. Two spare copies
- Csk

HIGH COURT

HCJ & BVR,J

DATED: 27/05/2020

NOTE: LIST THESE CASES ON 10.06.2020.

ORDER

WP(PIL). Nos.84 and 79 of 2020

DIRECTION

