

HIGH COURT OF MADHYA PRADESH, JABALPUR**WP-9379-2021 (PIL)****(Dr. Yogeshwar Prasad Shukla Vs. State of M.P. & Ors.)****Jabalpur, dated : 31/05/2021**

Shri Rishabh Dubey, learned counsel for the petitioner.

Shri Pushpendra Yadav, learned Additional Advocate General for the respondents/State.

The present writ petition has been filed by the petitioner seeking a mandate to the respondents to ensure strict compliance of the advisory/instruction issued by NBTC through its letter dated 05/05/2021 and further directed to hold blood donation camps by following COVID-19 guidelines and show the same on the website of E-Raktkosh Portal .

Learned counsel for the petitioner submitted that petitioner is a surgeon and he is in medical field for more than 10 years. On 19/04/2021, the Government of India announced liberalized and accelerated Phase-III strategy of the National COVID-19 vaccination programme which would come in effect from 01/05/2021. According to this, all the citizens above the age 18 years or more are eligible for COVID-19 vaccine. State of M.P. has initiated COVID-19 vaccination programme on 05/05/2021 for the citizens above the age of 18 years or more in pursuance of the direction to implement Phase-III of National COVID-19 Vaccination programme. According to State wise Cumulative Coverage Report of COVID-19 vaccination issued by Ministry of Health and Family Welfare (Government of India) on its website, as on 09/05/2021, State of M.P. has administered total

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85,95,188 beneficiaries (including first and second dose). On 05/03/2021, National Blood Transfusion Council which is the policy formulating apex body for all matters pertaining to the organization, Operation, Standards and Training of a sustainable and safe blood transfusion service for the country by letter dated 05/03/2021 advised/instructed regarding deferral criteria for blood donation post COVID-19 vaccination to all the State Blood Transfusion Council (SBTC). NBTC's vide its letter dated 05/03/2021 issued to SBTC has advised 28 days post vaccination deferral after last dose of COVID-19 vaccination irrespective of vaccination received. It is also submitted that NBTC is a society registered under the Societies Registration Act and its main function is to develop a mechanism for better coordination between NBTC and SBTC and compliance by SBTC of decisions taken by NBTC. It is a respective body having representation from the Directorate General of Health Services, Drug Controller General of Govt. of India, representatives from Ministry of Finance, Govt. of India, Indian Red Cross Society, Major Medical institutions in the country, representatives from private blood banks & N.G.O. run blood banks under the president ship of the Additional Secretary & Project Director NACO. It is submitted that MP SBTC established in the year 1996 works under the advisory and guidelines of the NBTC and it is presided by Chief Secretary of State of Madhya Pradesh and Member-Secretary is respondent No.2.

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It is submitted that on 22/04/2021, respondent No.2 issued order for 28 days post vaccination deferral after last dose of COVID-19 vaccination in compliance order of Ministry of Health and Family Welfare (Government of India) which shall be abided by all the officers of respective blood banks of State of Madhya Pradesh. The Government of India, after the announcement of the Phase-III strategy of the National COVID-19 vaccination programme to vaccinate the citizens above the age of 18 years and more which are probable blood donors. As per the Government instruction that once a person gets vaccinated who cannot donate blood for next 28 days which will effectively comes to 56 days after administration of both the doses. It is submitted that Doctors, Media and Health Experts raised the issue to reduce the deferral period of 28 days acknowledging issue of scarcity of blood and other components in blood banks due to deferral period of 28 days for donation of blood after last vaccination. NBTC vide letter dated 05/05/2021 issued revised instruction and lowered down the deferral period from 28 days to 14 days.

It is submitted that respondent No.2 on 05/05/2021 issued another order to create awareness and motivate people to participate in blood donation camps adhering to COVID-19 guidelines but struck to concerned period of 28 days. It is submitted that on 05/05/2021, NBTC revised the deferral period from 28 days to 14 days but the MP SBTC did not comply to the advisory/instruction issued by the NBTC.

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Shri Pushpendra Yadav, Additional Advocate General submitted that following guidelines issued by the NBTC, the MP SBTC on 10/05/2021 has issued fresh advisory reducing the period of 28 days to 14 days.

Learned counsel for the petitioner rejoined and submitted that while on one hand period of 28 days has been reduced to 14 days, on the other State Government is not organizing sufficient number of blood registration camp in the State. Learned counsel for the petitioner submitted that according to E-Raktkosh portal of the State, there are total 112 blood banks in the State. Learned counsel in this connection referred to the letter dated 16/04/2021 by the Union Minister of Health and Family Welfare addressed to the Chief Minister of State of M.P. requiring him to ensure adequate availability of blood in the blood banks by appealing the donor to donate more and more blood and update the information on E-Raktkosh portal in the single point for maintaining records of the donor as well as providing the information of current stocks of each blood group.

It is submitted that Director of SBTC had issued order dated 05/05/2021 requiring all the blood banks to maintain stock of 50 to 60 units. Even if 50 units is considered as basis for making total minimum availability of blood units, 112 blood banks in the State would require minimum 5600 units whereas in total blood units available in all the blood banks as of today is approximately 3600 units. It is submitted

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that some of the blood banks having shortage of certain blood groups, thus making difficult for the patients to timely receive blood transfusion.

Having regard to the submissions made and material available on record, we deem it appropriate to direct the State Authorities including Director of Health Services, Director of Blood Banks and the Additional Director of Health Services to issue necessary appeal to the blood donors and organize number of blood donation camps district wise by adhering to the COVID-19 norms and protocols i.e. by maintaining social distance, use of mask and sanitization etc. and notifying the donation camps in the E-Raktkosh portal or by use of other media platform.

This writ petition stands disposed of in above terms.

(Mohammad Rafiq)
Chief Justice

(Atul Sreedharan)
V. Judge

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