

HIGH COURT OF CHHATTISGARH, BILASPUR

WPIL No. 134 of 2017

- Chandra Mauli Bajpai S/o Late Shri Umesh Chandra Bajpai Aged About 49 Years R/o Bajpai Bungalow Chatapara, Bilaspur Chhattisgarh, Chhattisgarh

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Versus

1. State Of Chhattisgarh Through Secretary, Department Of Health And Family Welfare, Chhattisgarh Of Government, Mahanadi Bhawan, Naya Raipur Chhattisgarh
2. Union Of India, Department Of Health And Family Welfare, Government Of India, New Delhi
3. Indian Council Of Medical, Research I C M R , Thorugh Its Director, V. Ramalingawami, Bhawan O. O. Box. No. 4911 Ansri Nagar New Delhi 110029 , District : New Delhi
4. National Centre For Diseases Control, Through Its Director Directorate General Of Health Services 22, Sham Nath Marg New Delhi 110054, District : New Delhi
5. Director, Chhattisgarh Of Government, Old Nurshing Hostel, Raipur Chhattisgarh., District : Raipur, Chhattisgarh
6. Dean, Chhattisgarh Institute Of Medical Science C I M S , Gond Para, Gole Bazar, Bilaspur Chhattisgarh
7. Collector, District Bilaspur Chhattisgarh
8. Chief Medical And Health Officer, C H C Bilaspur District Bilaspur Chhattisgarh

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For Petitioner	: Shri Kishore Bhaduri, Ms Nirupama Bajpai and Shri Rakesh Dubey, Advocates
For State	: Shri AS Kachhawaha, Additional Advocate General
For Union of India	: Shri B Gopa Kumar, Assistant Solicitor General
For Indian Council of Medical Research	: Shri K Rohan, Advocate

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

Per Ajay Kumar Tripathi, Chief Justice

03.12.2018

1. The man who initiated the PIL (Public Interest Litigation) is no more but since the cause survived, the Court decided to take up this PIL for public good and monitor the issue relating to setting up of testing laboratories, also known as VRDLs (Viral Research & Diagnostic Laboratories) at various centres in the State of Chhattisgarh, specially in Bilaspur. These laboratories are necessitated for testing Swine Flu (H1N1), Dengue and Bird-flu, which are said to be highly communicable diseases.
2. Court gave directions upon the respondent authorities specially the State of Chhattisgarh to file its return and inform the Court as to the infrastructure and facilities which are available and whether they fulfil the requirements and are adequate.
3. There are two laboratories situated in the State of Chhattisgarh. One at Jagdalpur and the other at Raipur. The reasons have been provided in the affidavits and a plea is also taken that such laboratories cannot be set up indiscriminately keeping in mind how contagious these diseases can be and even the testing is required to be done under certain conditions of quarantine.
4. When the Court delved deeper as to how far the two laboratories are sufficient to meet the situation, looking at the wide expanse of the

State of Chhattisgarh of geographical kind, the State in subsequent returns and affidavit has brought additional materials on record. It states that they have set up collection centres across the State and the samples so collected are taken to the two nearest laboratories and testing coupled with reports so generated therefrom are used for follow up action.

5. Since the Court was not satisfied with such assertions, the Secretary, Health Department, Government of Chhattisgarh was ordered to appear before this Court and explain things in person. It is only then that many follow-up actions have been taken which included providing facility for sample collection as well as providing widest publicity to such facilities to the people of Chhattisgarh. It is only how that awareness to avail the facilities provided from PHCs (Primary Health Centres) to various Health Centres has been generated.

6. The PIL has helped in galvanising not only the department but also awareness that mere lack of testing laboratories of specialised kind locally will not be an impediment in saving life and spread of the disease.

7. However, since in our country facilities so generated and provided are never enough, we have the affidavit on behalf of the Union of India where they have expressed their willingness to provide the wherewithal for setting up of more laboratories if need be provided the State of Chhattisgarh makes such request and also provides the requirements in terms of their obligation.

8. It will be in the interest of things that the Secretary, Health Department, Government of Chhattisgarh based on the inputs, data and

the identifiable cases of such kind makes recommendation and to request Union of India to ensure that maximum population in relatively close proximity are covered.

9. We have no reason to dis-believe that if such a request is made and corresponding obligations in terms of facilities are created by the State of Chhattisgarh, the Union of India will not fail in its duty.

10. The man is gone but his will and desire to serve the humanity does not die because his effort initiated through the PIL has yielded results, which should be of immense satisfaction to the departed soul.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge