

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7135 of 2020

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Dinesh Kumar Singh, S/o Late Ganga Prasad Singh, Resident of Darshan
Ganga Azad Path Extension East, Saristabad P.S.- Tarapur, P.O.- Khairadosain
District- Munger, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, General Administration Department, Government of Bihar, Patna.
3. The Principal Secretary, Health Department, Government of Bihar, Patna.
4. Union of India Through its Secretary, Ministry of Health, Government of India, 4th Floor, A- Wing, Shastri Bhavan, New Delhi.
5. Indian Council of Medical Research Through its Director General, Department of Health Research, Ministry of Health and Family Welfare, Government of India, Veer Ramloga Swamy Bhavan, Ansari Nagar, New Delhi.
6. National Disaster Management Authority, (NDMA) Through its President having office at NDMA Bhavan, A-1, Block No.-1, Naurogi Nagar, Safdarjang Enclave, New Delhi.
7. The Secretary of Government of India, Department of Home Affairs and Chairman, National Executive Committee of National Disaster Management Authority, (NDMA) having office at South Block, Raisina Hills, New Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Advocate Ms. Ritika Rani, Advocate Ms. Ritu Raj, Advocate Smt. Sangita Kumari, Advocate
For the Respondent/s	:	Mr. Lalit Kishore, A.G Mr. Vikash Kumar, SC-11 Dr. K.N. Singh, ASG Mr. Ratnesh Kumar C.G.C. Mr. Binay Kumar Pandey, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 16-12-2020

Petitioner has prayed for the following relief(s):



“1. (A) For issuance of writ in the nature of mandamus for commanding the State respondents to conduct Rapid Antigen test in short (RAT) Rapid Antibody Test and molecular test for covid-19 in Bihar free of cost.

(B) For commanding the respondents to conduct the sero survey for covid-19 in Bihar considering abnormal increasing, number of positive corona patients in Patna.

(C) For commanding the respondents to ensure set up blood plasma bank at Patna for covid-19 treatment for the purpose better streaming the process under which plasma extracted from the blood of corona virus disease covid-19 patients could be administered patient with moderate to serve symptom.

(D) For commanding the respondents to ensure appropriate availability of ventilator beds, oxygen gas cylinder, rapid test kits, Personal protective equipments (PPE), bed for treatment of covid-19 patient, quarantine center, mask and sanitizer for covid-19 in the state of Bihar free of cost.

(E) For commanding the respondents to ensure safety of people from being infected of covid-19 epidemic disease in the state of Bihar considering in Bihar Legislative Election, 2020.

(F) For commanding the Principal secretary, Health department to ensure to display of number of ventilator beds, oxygen gas cylinder, bed for treatment of Covid-19 patients facility available for treatment, name of doctors, medical staffs, bed for treatment of Covid-19 patients as per Clinical Establishments (Registration and Regulation) Rule, 2013 upto district



level in the state of Bihar.

(G) For commanding the respondents concern to increase laboratory testing for corona virus covid-19 in government laboratory and private laboratory free of the cost considering 12 crore population of state of Bihar.

(H) Also for necessary relief/reliefs order/orders, direction/directions for which the petitioner entitled in the eyes of law.”

Learned Advocate General states that the matter is now being directly monitored by Hon’ble the Apex Court and, as such, it would be prudent that the present proceedings are closed, subject to further orders which may be passed by Hon’ble the Apex Court in **Suo Motu Writ Petition (Civil) No. 7 of 2020, titled as In Re The Proper Treatment of Covid 19 Patients and Dignified Handling of Dead Bodies in the Hospitals Etc.**, in which State has sent for filing an affidavit. The said affidavit deals with the very same issue, subject matter of the present petition.

In view of the statement made by the learned Advocate General, learned counsel for the petitioner prays that the present proceedings be closed reserving liberty to take appropriate action in accordance with law, including filing a fresh petition, if otherwise permissible in law.

Also he shall, if required, file an appropriate



application in the proceedings pending before Hon'ble the Supreme Court.

The instant petition stands disposed of in the aforesaid terms and liberty.

Interlocutory Application(s), if any, shall sand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	18.12.2020
Transmission Date	

