

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7207 of 2020

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Aditi Hansaria D/o Ashok Hansaria, Resident of Divya Kanti Mansion,
Vivekanand Marg, Boring Road, P.O. Patliputra, P.S. S.K. Puri, District-
Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Department of Health, Government of Bihar.
4. The Secretary, Department of Health, Government of Bihar.
5. The Additional Secretary-cum-Executive Director, Bihar State Health Society.
6. The Divisional Commissioners of all 9 Divisions of the State of Bihar.
7. The District Magistrate of all 38 Districts of the State of Bihar.
8. The Chief Medical Officer-cum-Civil Surgeon of all 38 Districts of the State of Bihar.
9. The Bihar Medical Services and Infrastructure Corporation Limited through its Managing Director.
10. The Managing Director, Bihar Medical Services and Infrastructure Corporation Limited.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nikhil Kumar Agrawal, Advocate Mr. Vikash Kumar Pankaj, Advocate
For the Respondent/s	:	Mr. Lalit Kishore, AG Mr. Vikash Kumar, SC-11

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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) To issue an appropriate writ(s)/order(s)/direction(s) in the nature of Mandamus commanding the Respondents to disclose the present line of treatment and holistic care for different types of corona patients.

(b) To issue an appropriate writ(s)/order(s)/direction(s) in the nature of Mandamus commanding the Respondents to disclose the Standard Operating Procedure being followed in the State of Bihar for collection, testing, reporting and home quarantine of the corona patients.

(c) To issue an appropriate writ(s)/order(s)/direction(s) in the nature of Mandamus commanding the Respondents to increase real-time Reverse Transcription-Polymerase Chain Reaction (RT-PCR) for COVID-19 (swab-based) in addition to the Rapid Antigen Test (blood-based).

(d) To issue an appropriate writ(s)/order(s)/direction(s) in the nature of Mandamus commanding the Respondents to ensure door-to-door collection of samples throughout the State of Bihar with the help of the vast network of private pathological laboratories.

(e) To issue an appropriate writ(s)/order(s)/direction(s) in the nature of



Mandamus commanding the Respondents, in the alternative, to establish Covid Testing booths in specified local geographical areas throughout the State of Bihar so that the facility of testing can reach the maximum number of persons;

(f) To issue an appropriate writ(s)/order(s)/direction(s) in the nature of Mandamus commanding the Respondents to ensure online delivery of all reports within reasonable time so that the patients do not have to come to the Hospitals/designated centres thereby put all stakeholders at further risk and vulnerability.

(g) To issue an appropriate writ(s)/order(s)/direction(s) in the nature of Mandamus commanding the Respondents to disclose the number of isolation beds in the State of Bihar and also take effective steps to increase the number of beds given the large population of the State.

(h) To issue an appropriate writ(s)/order(s)/direction(s) in the nature of Mandamus commanding the Respondents to establish and operationalise quarantine centres throughout the State of Bihar so that the persons testing positive for Corona can be quarantined and the spread of the disease can be checked.

(i) To issue an appropriate writ(s)/order(s)/direction(s) in the nature of Mandamus commanding the Respondents to



direct all the private hospitals/clinics throughout the State of Bihar to admit Corona patients and administer affordable treatment as per the established protocols.

(j) To issue an appropriate writ(s)/order(s)/direction(s) in the nature of Mandamus commanding the Respondents to set up complete infrastructure for plasma therapy of Corona patients and collect plasma from all patients being treated through State exchequer.

(k) To issue an appropriate writ(s)/order(s)/direction(s) in the nature of Mandamus commanding the Respondents to display all district-wise data related to availability of beds, availability of doctors and nurses, number of tests conducted, etc. On the digital platform/website.

(l) To issue an appropriate writ(s)/order(s)/direction(s) in the nature of Mandamus commanding the Respondents to ensure the availability of all the latest drugs for treatment of Covid-19 at all Primary and District Health Centres for effective treatment of Corona patients.

(m) To issue an appropriate writ(s)/order(s)/direction(s) in the nature of Mandamus commanding the Respondents to ensure effective and safe disposal of bodies of dead Corona patients and bio-medical waste related thereto in order to safeguard the Doctors, Nurses and patients from further



spread of the virus.

(n) To any other relief(s) that the Petitioner is entitled to in the facts and circumstances of the case.”

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	

