

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7208 of 2020

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Ashish Sinha S/o Mr. Alok Kumar Sinha R/o 23/175, Sri Krishna Nagar,
Kidwaipuri, PS- Budha Colony, District- Patna- 800001.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Cabinet Secretariat Department, Old Secretariat, Patna- 800015.
2. The Department of Health, Government of Bihar, through its Principal Secretary, 1st Floor, Vikas Bhawan, Bailey Road, Patna- 800015.
3. Bihar State Disaster Management Authority, through its Vice Chairman, 2nd Floor, Pant Bhawan, Bailey Road, Patna, Bihar- 800001.
4. Disaster Management Department, Government of Bihar, through its Principal Secretary Block-C, Sardar Patel Bhawan, Jawaharlal Nehru Marg (Bailey Road), Patna- 800023.
5. Indian Council of Medical Research through its Secretary and Director General V. Ramalingaswami Bhawan, P.O. Box No. 4911 Ansari Nagar, New Delhi- 110029.
6. Ministry of Health and Family Welfare, Union of India, through its Secretary, Nirman Bhawan, Maulana Azad Road, New Delhi- 110011.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Saket Tiwary, Advocate Mr. Abhixit Singh, Advocate Ms. Bhawna Jhorar, Advocate
For the Respondent/s	:	Mr. Vikash Kumar, SC-11 Mr. Rajesh Kumar Verma, ASG

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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(i) For issuance of writ of
mandamus or any other writ directing the
Respondents to exponentially increase the
patient testing capacity for COVID-19 in the
State of Bihar in proportion with the population



of the State and to bring it at par with rest of the country and global benchmarks and take all necessary steps in this regard in a time bound manner.

(ii) For issuance of writ of mandamus or any other writ directing the Respondents to enlarge the number of laboratories that can undertake tests for COVID-19 in the state of Bihar.

(iii) For issuance of writ of mandamus or any other writ directing the Respondents to make arrangement of proper treatment for COVID/ non-COVID patients in hospitals.

(iv) For issuance of writ of mandamus or any other writ directing the Respondents to allow private hospitals/ nursing homes to treat COVID-19 patients and all such hospitals/nursing homes shall publish on their websites and outside the premises, the status of vacancy of beds on a daily basis.

(v) For issuance of writ of mandamus or any other writ directing the Respondents to implement the Revised Guidelines for Home Isolation of mild/ pre-symptomatic/ asymptomatic COVID 19 cases dated 02.07.2020 issued by the Ministry of Health & Family Welfare

(vi) To monitor the preparedness and measures taken by the Respondents to increase the number of testing facilities and the testing capacity in the State of Bihar.



(vii) In the alternate, to constitute a committee under a retired judge of this Hon'ble High Court to monitor and oversee the preparedness and measures taken by the Respondents to increase the number of testing facilities and the testing capacity in the State of Bihar.

(viii) Pass any other or further relief, which this Hon'ble Court may deem fit and proper in the facts and circumstances."

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	

