

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7209 of 2020

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Kishore Kunal Son of Sri R.N. Brahmachari Sitting Place- Advocate Association Patna High Court Patna. Resident of Mainpura Siddeshwaar Nagar, P.S. Patliputra District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Health Department, Government of Bihar.
2. The Principal Secretary, Health Department, Government of Bihar, 1st Floor, Vikas Bhawan, Bailey Road, Patna. 800015.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kishore Kunal (In Person)
For the Respondent/s : 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):

“(i) Issue a writ of mandamus or other appropriate writ, order and direction directing the Respondent no. 1 to constitute a medical board of experts in the medical field and immediately send it to every District in Bihar to review and assist the emergency situation of Covid 19,/ Corona Virus;

(ii) Issue a writ of mandamus or other appropriate writ, order to the Respondents to increase the testing capabilities like other state example Delhi, Andhra Pradesh, Tamilnadu etc.

(iii) Issue a writ of mandamus or other appropriate writ, order to the Respondents to provide proper facilities of testing of Corona virus as well as



sanitization in declared sealed containment area of Corona virus.

(iv) Issue a writ of mandamus or other appropriate writ, order to the Respondent no. 1 and 2 to immediately acquired the private hospitals of Patna who has ICU and ventilator facility for treatment Corona Virus with required medical professionals to deal with the emergent situation which has occurred due to outbreak of Corona Virus;

(v) Issue a writ of mandamus or other appropriate writ, order and direction to the Respondent no. 1 & 2 to immediately arrange extra 1000 mobile ICU (intensive care units) with required medical professionals to deal with the affected patients from the remote area;

(vi) Issue a writ of mandamus or other appropriate writ, order and direction to the Respondents to direct to every Government and Private Hospitals to disclose the Name of Doctor and Medical Staff at its Public Notice board with his responsibility and contact number with duty time who deployed at time so that at emergency situation Patient could get medical assistance.

(vii) Issue a writ of mandamus or other appropriate writ, order and direction to the Respondents to take serious action against Authority as well as medical staffs who are responsible for the patients who died just because any doctor or medical staff as well as medical facility is not available for them in emergency situation also, they died only because of their negligence, so they should be treated as criminal



of the society because dying ratio is increasing day by day because of them.

(viii) Issue a writ of mandamus or other appropriate writ, order and direction to the Respondents to take serious action against medical staff's, who are responsible for the patient died due to their negligence as shown in viral videos.

(ix) Issue a writ of mandamus or other appropriate writ, order and direction to the Respondent no. 2 to notify an extra-ordinary government order directing all the private medical institutions in the affected area to admit and provide treatment free of cost to the patients;

(x) Issue a writ of mandamus or other appropriate writ, order and direction to the Respondents to take all possible preventive steps to stop the outbreak of the said disease called Covid 19/ Corona Virus;

(xi) Issue a writ of mandamus or other appropriate writ, order and direction to Respondents to provide stocks of the PPT kit, Mask, medicines, medical equipment and other technical support which are required for treatment of patients suffering from Corona Virus;

(xii) Issue a writ of mandamus or other appropriate writ, order and direction to the Respondents to grant compensation of Rs. 5 Lakhs to surviving members of family of deceased who have died due to negligence of the state machinery.

(xiii) Issue a writ of mandamus or other



appropriate writ, order and direction directing the Respondents to constitute a fact-finding committee to determine the role of persons/entity negligent in treatment of Patient which has resulted in mass deaths.

(xiv) Pass any other or further order or orders as this Hon'ble Court may deem fit and proper 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	

