

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8339 of 2020

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Aaruni Charitable Trust Through its trustee Mrs. Meera Sinha, having registered office at D-1, Shakuntala Apartment, Road No. 37, Anisabad, Patna- 800001, Bihar.

... .. Petitioner/s

Versus

1. Chief Secretary, State of Bihar, Main Secretariat, Patna- 800015, Bihar.
2. The Principal Secretary Department of Health Government of Bihar, 1st Floor, Vikas Bhawan, Bailey Road, Patna- 800015, Bihar.
3. The Additional Chief Secretary Department of Social Welfare, Government of Bihar, Main Secretariat, Patna- 800015, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Vishal Kumar Singh, Mr.Deepak Kumar Singh, Mr.Shashwat, Advocates
For the Respondent/s	:	Mr.Lalit Kishore (AG) Mr.S.D.Yadav, AAG-9

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 09-10-2020 Petitioner has prayed for the following relief(s):

“(i) For issuance of an appropriate writ of Mandamus or any other appropriate writ(s) or order(s) or direction(s) commanding the Respondent/s to strictly implement the COVID-19: Guidelines On Dead Body Management dated 15.03.2020 notified by Government of India, Ministry of Health & Family Welfare Directorate General of Health Services (EMR Division) and also follow the interim guidance dated 24 March 2020 regarding infection Prevention and Control for the safe management of dead body in the context of COVID - 19 notified by World Health



Organisation.

(ii) For issuance of an appropriate writ of Mandamus or any other appropriate writ(s) or order(s) or direction(s) commanding the Respondent/s to strictly follow the Bio-Medical Waste Management Rules, 2016.

(iii) For issuance of an appropriate writ of Mandamus or any other appropriate Writ(s) or order (s) or direction(s) commanding the Respondent/s to constitute a board for monitoring the strict adherence to the laws and guidelines pertaining to dead body management.

(iv) For issuance of an appropriate writ of Mandamus or any other appropriate writ(s) or order(s) or direction(s) commanding the Respondent/s to notify the place of burial/cremation in every district of Bihar and also keep the proper record of place of burial and cremation.

(v) For issuance of an appropriate writ of Mandamus or any other appropriate writ(s) or order(s) or direction(s) commanding the Respondent/s to organise awareness campaign/training regarding the COVID-19 Dead Body Management guideline for the people involved in dead body management.

(vi) For issuance of an appropriate writ of Mandamus or any other appropriate writ(s) or order(s) or direction(s) commanding the Respondent/s to direct all the ASHA & ANM workers to keep regular check on the condition of pregnant woman and lactating mothers in the



village and refer them to the hospital if required.

(vii) For issuance of an appropriate writ of Mandamus or any other appropriate writ(s) or order(s) or direction(s) commanding the Respondent/s to immediately increase the number of testing and adopt the process of random testing as soon as possible in the entire state.

(viii) For issuance of an appropriate writ of Mandamus or any other appropriate writ(s) or order(s) or direction(s) commanding the Respondent/s to increase the testing centers and establish at least one testing centre in every block.

(ix) For issuance of an appropriate writ of Mandamus or order(s) or any other appropriate writ(s) or order(s) or direction(s) commanding the Respondent/s to identify and announce at least one COVID-19 dedicated hospital in every district of the state.

(x) For issuance of an appropriate writ of Mandamus or any other appropriate writ(s) or order(s) or to direction(s) commanding the Respondent/s to resume the OPD services in the government hospitals at the earliest.

AND/OR

(xi) Any other Writ(s) be issued, Order(s) be passed, Direction(s) be made as Your Lordships may deem fit and proper in the facts and circumstances of the case.”

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the concerned respondents to consider



and decide the representation (Annexure-7), within a period of four weeks.

Learned counsel for the respondents states that the representation (Annexure-7) shall be dealt with in accordance with law, expeditiously and positively within a period of four weeks from the date of receipt of a copy of this order.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

The petition stands disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

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