

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.05.2020

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.7563 of 2020

and WMP. 8941/2020

V.Ponraj

... Petitioner

Vs.

1. Union of India
Ministry of Health Care & Family Welfare
Directorate General of Health Services
Ministry of Health & Family Welfare
FDA Bhavan, ITO Kotla Road
New Delhi 110 002.

2. Indian Council of Medical Research (ICMR)
rep. by its Director General
Ansari Nagar
New Delhi 110 029.

3. Department of Higher Education
rep. by its Joint Secretary
Ministry of Human Resource Development
Shastri Bhavan
New Delhi 110 001.

4. Department of Science and Technology
rep. by its Secretary
Technology Bhavan
New Mehruuli Road
New Delhi 110 016.

5. State of Tamil Nadu
rep. by its Chief Secretary
Secretariat, Fort St. George
Chennai.

6. Tamil Nadu Special Task Force for COVID-19
rep. by Chief Secretary
Secretariat, State of Tamil Nadu
Fort St. George
Chennai.

7. Department of Higher Education
rep. by its Secretary to Government
Secretariat
State of Tamil Nadu
Fort St. George
Chennai 600 009.

... Respondents

Petition under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents 1 to 4 to submit a detailed report on the available total number of RT-PCR/qPCR testing equipment with the Universities and other Research Institutions in India apart from ICMR PCR Labs, along with an Action Plan to ramp up the Testing of novel SARS-nCoV-2 and further direct the respondents 5 to 7 to identify the available RT-PCR/qPCR testing equipments with the Academic Institutions in the State of Tamil Nadu apart from ICMR PCR Labs and deploy the same for testing the novel SARS-nCoV- 2 by providing necessary safety and secured environment and facility for Labs and PPE kits fro the Testing personnels.

For Petitioner : Mr.Ponraj Vellaichamy
for Mr.S.Kumar

For 1st Respondent : Mr.G.Rajagopalan, ASG,
Assisted by
Mrs.Sunitha Kumari, CGSC

For Respondent-2 : Mrs.N.Mala

ORDER

(Made by DR.VINEET KOTHARI, J.)

The Court was held by Video Conference, as per the Resolution of the Full Court dated 30th April 2020, by Judges at the respective residence offices and the counsel, staff of the Court appearing from their respective residences.

2. Heard the learned counsel for the petitioner and the learned Government Pleader.

3. The prayer made in this writ petition is to direct the respondents - State of Tamil Nadu to utilize the equipments and machines available in the various institutions like the higher education institution etc. for carrying out testing for Covid 19.

4. The learned Government Pleader submits that a detailed status report has been filed along with affidavit of the Health Secretary Dr.Beela Rajesh, I.A.S., dated 11 May 2020, in which details of such steps taken have been enumerated. The relevant paragraph 19 to 25 of the said affidavit are quoted below for ready reference.

19. I humbly submit that apart from RT-PCR Machines available in the Government Medical college hospitals and ICMR PCR labs. The government of Tamil Nadu has taken steps to identify and divert the RT-PCR machines available in the other departments/higher education institutions to the Health department to strengthen the testing capacity

20. I humbly submit to state that the Principal Secretary to Government, Higher Education Department vide Letter No. 6144/K2/2020-21, dated: 20.04.2020 has directed to divert 17 RT-PCR units from various universities in the state to be engaged for running RT-PCR samples for COVID-19 in Government Laboratories

21. The Principal Secretary to Government, Agricultural Department vide letter No.115/APC&PS/Agri/2020, dated: 24.04.2020 has directed National Research Centre for Banana, Trichy and Indian Institute of Food Processing, Thanjavur and Sugarcane breeding Institute, Coimbatore to divert RT-PCR to Health Department for running samples of COVID-19.

22. In continuation to the above proceedings, 25 RT-PCR machines are diverted from various institutions to run RT-PCR samples for COVID-19

23. I humbly submit that in Tamil Nadu, 53 laboratories (Government-37, Private - 16) are now functioning to test the samples. So far 2,43,037 samples tested in these laboratories and 7204 are positive.

24. I humbly submit that Tamil Nadu has Highest number of testing laboratories for RT-PCR COVID-19 and tested maximum number of RT-PCR for COVID-19 samples in India, that is 2,43,037 samples.

25. The strategy to fight COVID-19 is revised periodically by the WHO and Government of India as per the ground reality and Tamil Nadu have taken all measures to implement the guidelines scrupulously. In view of the above facts and circumstances stated, it is humbly prayed that this honourable court may be pleased to dismiss the above writ petition and thus render justice.

5. The second respondent, Indian Council of Medical Research has also filed its counter affidavit.

6. Having heard the learned counsel for the parties, we are satisfied that the State is aware of the equipments available for carrying out such tests in various institutions within the territory of Tamil Nadu and have already issued necessary directions and made arrangements for making available such units for carrying out such tests as enumerated in the affidavit filed by the Health Secretary.

7. Accordingly, we are satisfied that nothing survives in this public interest writ petition to further issue any direction to the State in this regard. accordingly, we dispose of this writ petition. There is no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

tar

To

1. Union of India
Ministry of Health Care & Family Welfare
Directorate General of Health Services
Ministry of Health & Family Welfare
FDA Bhavan, ITO Kotla Road
New Delhi 110 002.

2.The Director General,
Indian Council of Medical Research (ICMR)
Ansari Nagar
New Delhi 110 029.

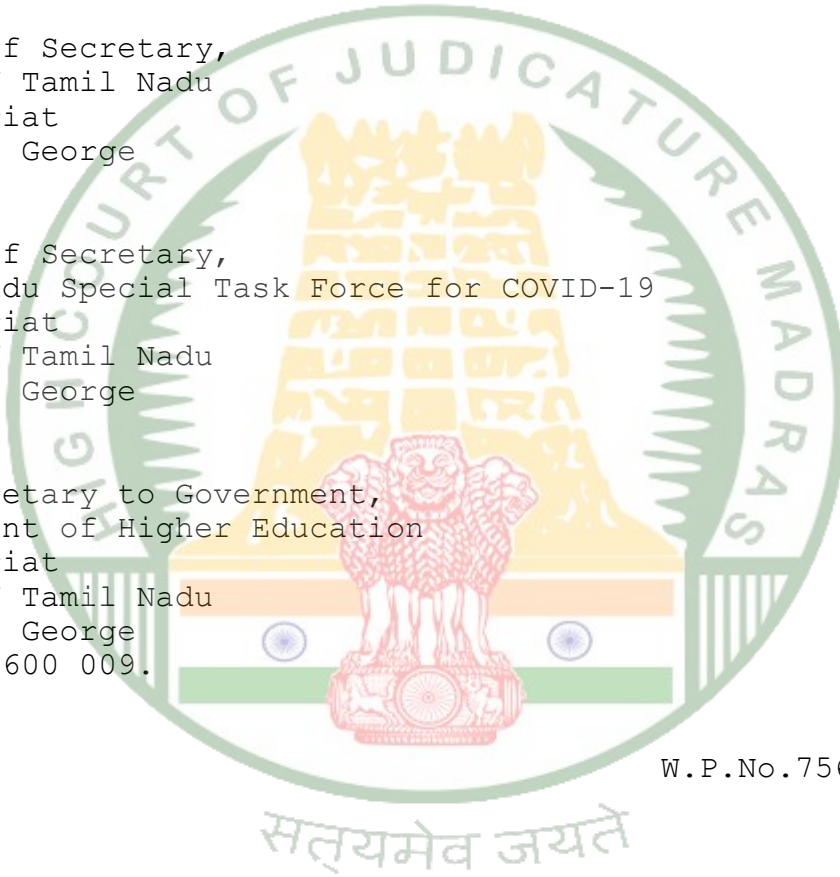
3.The Joint Secretary,
Department of Higher Education
Ministry of Human Resource Development
Shastri Bhavan
New Delhi 110 001.

4.The Secretary,
Department of Science and Technology
Technology Bhavan
New Mehruuli Road
New Delhi 110 016.

5.The Chief Secretary,
State of Tamil Nadu
Secretariat
Fort St. George
Chennai.

6.The Chief Secretary,
Tamil Nadu Special Task Force for COVID-19
Secretariat
State of Tamil Nadu
Fort St. George
Chennai.

7.The Secretary to Government,
Department of Higher Education
Secretariat
State of Tamil Nadu
Fort St. George
Chennai 600 009.



W.P.No.7563 of 2020

ss[co]
srg 25/09/2020

WEB COPY