

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.7610 of 2020
a nd W MP. 8933/2020 and WMP. 8942/2020

INDIA AWAKE FOR TRANSPARENCY
rep. by its Director,
Rajendra Kumar,
Unit 1, Mezzanine Floor,
24, Desikar Street,
Mylapore Chennai 4.petitioner

vs.

1. THE SECRETARY
DEPARTMENT OF HEALTH AND FAMILY WELFARE
Government of Tamil Nadu Chennai.

2. The Secretary,
Ministry of Health and Family Welfare,
Union of India, New Delhirespondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus quashing the GO Ms No.206, Health and Family Welfar Department dated 4.5.2020 and consequently dircet the 1st respondent to ensure that all persons tested Covid 19 are only under hospital or institutional quanrantine.

For Petitioner : Mr.R.Subramanian
for M/s.T.SUGITHRA AND M.K.KANIMOZHI
For respondent : MR.V.JAYAPRAKASH NARAYANAN
Government Pleader

ORDER

(Made by DR.VINEET KOTHARI, J.)

This petition has been filed by India Awake for Transparency, a non profit organization, challenging the recent notification issued by the Department of Health and Family Welfare, vide GO Ms No.206, dated 4 May 2020 in which, inter alia, the State government has accepted the proposal of the Directorate of Public Health and Preventive Medicine and has

issued guidelines which are in the form of an annexure to the said government order about home isolation, hospital/institutional quarantine for Covid 19 cases.

2. The annexure annexed with the said government order gives the guidelines about home isolation of such persons affected by Covid 19.02.2020

3. Though an objection was raised by the learned Government Pleader for the appearance of Mr.R.Subramanian, for the petitioners, who is not enrolled before the Tamil Nadu Bar Council, since he is appearing on behalf of the two advocates who have enrolled in the Tamil Nadu Bar Council, viz., M/s.T.Sugithra and M.K.Kanimozhi, he submitted that the relevant rules under the Bar Council Act and the Advocates Act would permit him to address the Court.

4. Notwithstanding the objection raised by the Government Pleader, we allow Mr.R.Subramanian, to address the court in this writ petition.

5. Having heard the learned counsel for the petitioner and the learned Government Pleader, we are satisfied that the guideline laid down by the State Government in the order in G.O.MS No.206 dated 4 May 2020 do not call for any interference of this court because the said government order was passed taking into account the opinion of experts in the field, as to how to ascertain a patient as pre-symptomatic or asymptomatic and considering the State infrastructure available, whether home quarantine is to be allowed or not. These are not matters to be considered by a court of law, as it is a policy decision taken by the government taking into account, the over all comprehensive position and therefore, we do not consider it appropriate to interfere with the same.

6. Accordingly, we are not inclined to interfere with the said government order. We do not find any merit in this public interest litigation. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions in WMP. 8933/2020 and WMP. 8942/2020 are also dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

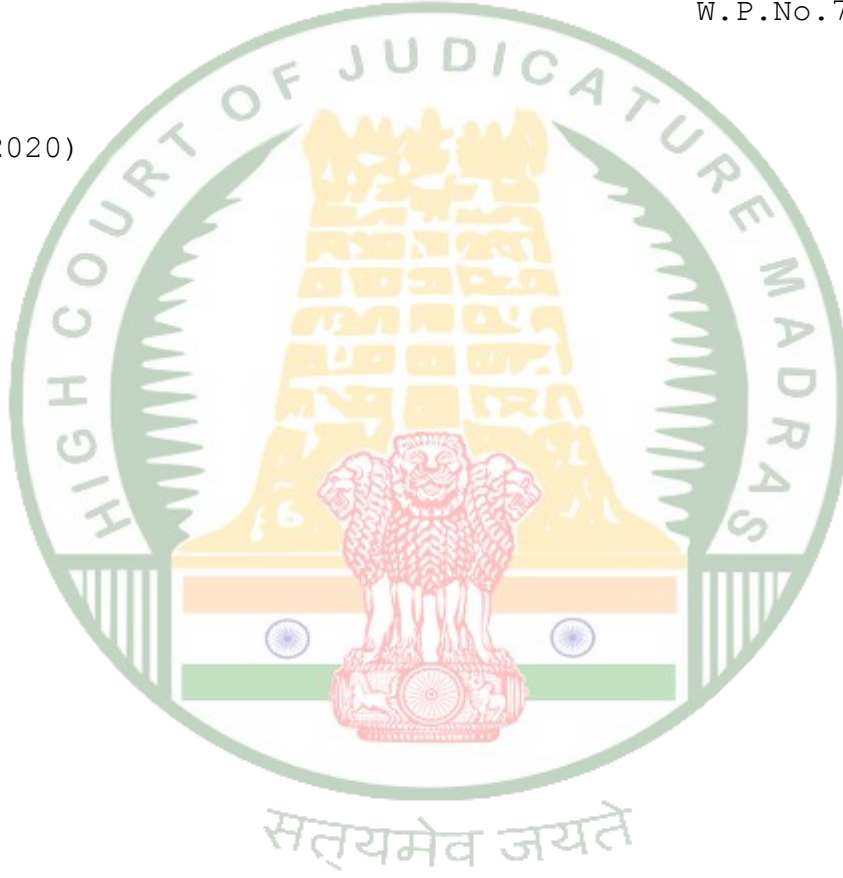
To

1. THE SECRETARY
DEPARTMENT OF HEALTH AND FAMILY WELFARE
Government of Tamil Nadu Chennai.

2. The Secretary,
Ministry of Health and Family Welfare,
Union of India, New Delhi

W.P.No.7610 of 2020

SS(CO)
RV(28/10/2020)



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