

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-PIL No. 57 of 2020 (O&M)
Date of decision:- 02.06.2020

Chetan Bansal and anotherPetitioners
Versus

State of Punjab and another ...Respondents

**CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE.**

Present:- Mr. Prateek Sodhi, Advocate, for the petitioners.
Mr. P.S.Bajwa, Addl. Advocate General, Punjab.
Mr. Satya Pal Jain, Addl. Solicitor General of India with
Mr. Kushagra Mahajan, Advocate, for UOI.

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RAVI SHANKER JHA, C.J. (ORAL)

With the consent of learned counsel for the parties, the matter is being taken up and heard via video conferencing (Webex App software).

This petition by way of public interest litigation has been filed by the petitioners against the State of Punjab alleging that the State of Punjab is discharging the Covid-19 patients without conducting the Reverse Transcription-Polymerase Chain Reaction (RT-PCR) test. It is submitted that initially the State of Punjab was doing it under the guidelines issued by the Indian Council of Medical Research (ICMR) (Annexure P-3) and subsequently ICMR has issued revised guidelines for treatment and discharge of Covid-19 patients which does not make it mandatory for the authorities to conduct the RT-PCR test.

Learned counsel appearing for the petitioners submits that the aforesaid test is necessary to be conducted as in the absence of the same the persons discharged would act as a carrier and such an act on the part of the State of Punjab would result in wide spread manifestation of Covid-19. It is submitted that such an act on the part of the State would seriously jeopardize the health of the citizens and would also result in spread of Covid-19.

Learned Additional Advocate General appearing for the State of Punjab and learned Additional Solicitor General of India appearing for the Union of India submit that a policy for treatment and discharge of Covid-19 patients has been prepared by an expert body i.e. the ICMR and the State of Punjab is acting strictly as per the guidelines issued by the ICMR dated 09.05.2020. It is submitted that in such circumstances as the State of Punjab is acting strictly in accordance with the guidelines issued by the Apex body, no fault can be found with the procedure adopted by them.

Having heard learned counsel for the parties and looking to the fact that the State of Punjab is strictly adhering to the ICMR guidelines, we do not find any reason to issue any direction to the authorities in this regard. However, we dispose of this petition by granting liberty to the petitioners to approach the authorities of the State of Punjab by filing a representation bringing to their notice the concerns of the petitioners based on medical reports and opinion of the experts and in case the petitioner(s) does so, the authorities of the State of Punjab shall examine the same and thereafter take a decision in this regard in accordance with law. It goes without saying that the issue raised by the petitioners is rightly treated not to be adversarial by the State of Punjab and it is stated that they would welcome any suggestion made by any person which shall be considered by the experts and if found feasible would be implemented.

In the circumstances the petition filed by the petitioners is disposed of by granting liberty to the petitioners to approach the authorities with their suggestions which may be considered by the State of Punjab in accordance with law.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

02.06.2020

ravinder sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No