

04.10.2021
Court No.1
Item No.31
P.A (RB/SS)

WPA(P) 221 of 2021

**Poulomee Mukherjee and Ors.
Vs.
The State of West Bengal and Anr.**

(Through Video Conference)

Mr. Dipankar Pal, Advocate
... for the Petitioner present in Court.

Mr. S.N. Mookherjee, Advocate General with
Mr. Anirban Ray, Government Pleader
Mr. T.N. Siddiqui, Advocate
Mr. Nilot Pal Chatterjee, Advocate
... for the State present in Court.

The present petition is being filed with reference to certain highly technical issues pertaining to COVID-19 vaccination. The effectiveness thereof on different categories of persons is sought to be challenged with reference to their age, the pregnant or lactating women and others. It is sought to be argued that direction issued by the State for restrictive activities of the people and forcing them to have vaccination is in violation of Article 21 of the Constitution of India.

Learned Advocate General submitted that studies are being conducted at the national and international levels and whatever is best possible in larger public interest is being implemented. The studies have clearly shown that persons who have

taken the vaccination have been affected less and if affected, have not suffered serious consequences. The petitioners could not invoke jurisdiction of this Court to raise the issues which are highly technical and fall within the domain of experts in the field.

After hearing learned Counsel for the parties, in our opinion, this case does not call for interference by this Court as there is no expertise available to comment on the effectiveness of the vaccines or its side-effects as is sought to be argued by learned Counsel for the petitioners. The expert bodies at the national and international level are examining the issues after carrying out extensive research and data collection and whatever is in best interest of the nation is being implemented as a policy. The issues cannot be examined by the Court.

Accordingly, we do not find any merit in the present petition and the same is dismissed.

[Rajesh Bindal, C.J.(A)]

[Rajarshi Bharadwaj, J.]