

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 4598 OF 2021
IN
PUBLIC INTEREST LITIGATION NO. 86 OF 2018**

Sanjay Bhaskarrao Kale .. Applicant

Versus

The State of Maharashtra and another .. Respondents

Ms. P. S. Talekar, Advocate i/by Talekar and Associates,
Advocate for the Applicant.

Shri S. G. Karlekar, A.G.P. for the Respondent No. 1.

Shri A. S. Bajaj, Advocate for the Respondent No. 2.

**WITH
CIVIL APPLICATION NO. 4684 OF 2021
IN
PUBLIC INTEREST LITIGATION NO. 120 OF 2019**

Shri Saibaba Sansthan Shirdi throughout
Its Incharge Chief Executive Officer .. Applicant

Versus

The State of Maharashtra and others .. Respondents

Shri Anil S. Bajaj, Advocate for the Applicant.

Shri D. R. Kale, Incharge G.P. for the Respondent No. 1.

**CORAM : S. V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 20TH APRIL, 2021.

FINAL ORDER :

. The Civil Application No. 4598 of 2021 is filed by the

original petitioner in P. I. L. No. 86 of 2018. One of the prayer in the said application is to direct the Sansthan to convert the Bhakta Niwas or any other premises into well equipped hospital.

2. Miss Talekar and Mr. Bajaj, the learned counsel agree that, now the Sansthan has earmarked buildings for Covid-19 patients and the Covid-19 patients are catered to. The sansthan has almost 520 beds available for Covid-19 patients. In view of that, the prayer clause B does not survive.

3. As far as prayer clause C seeking directions to appoint medical staff (Doctors, Nurses, helpers) is concerned, Mr. Bajaj, the learned counsel for the Sansthan submits that, Sansthan has necessary nurses and helpers. At present doctors are also available. If the vacant posts on contract basis are allowed to be filled in as prayed in Civil Application No. 4684 of 2021, then that would take care of the vacant posts and no further appointments of nurses and helpers and other doctors would be required to be made.

4. The another prayer made by the applicant/petitioner is that, full fledged Covid testing lab be directed to be installed at the Sansthan Rugnalaya. Mr. Bajaj, the learned counsel on instructions submits that, for establishment of the lab about Rs. 1.05 crores expenses would be required. Some of the staff of Sansthan has already been deputed for training to conduct RT-PCR test. It is also further submitted that, the said lab would

also be useful for carrying out other blood and pathological tests.

5. One of the prayer made by the petitioner is also to direct the State Government to provide medicines for Covid patients of the Sansthan and throughout the district of Ahmednagar.

6. It will not be possible to direct the administration to supply a particular quantity of medicine at a particular place. The State and it's authorities will have to consider the demand of each and every place and distribute the medicines accordingly as per its availability.

7. Considering all the aforesaid aspects and the dire necessity because of Covid-19 pandemic, we pass following order.

ORDER

A. The Sansthan is permitted to appoint qualified doctors on contract basis as per circulatory resolution dated 23.02.2021 for eleven (11) months. The said task be performed immediately on priority basis.

B. The Sansthan is permitted to install the laboratory for the purpose of Covid – 19 testing and spent approximately an amount of Rs. 1.05 crores. The laboratory shall also be meant for other pathological tests along with Covid-19 tests. The said laboratory shall be installed at Sainath Rugnalaya Shirdi. The Sansthan shall also comply with all the legal requirements

including seeking permission from competent authorities for establishment of laboratory.

C. The State may immediately call for the report from the Collector of the Ahmednagar district and/or such authorized person regarding requirement of the medicines for the Covid-19 patients and shall take further steps to distribute the said medicines as per the requirement to various hospitals including the hospitals run by the Shirdi Sansthan. Naturally, the Shirdi Sansthan would make the payment for medicine. It is submitted that, the Sansthan is not getting any medicines from the Government or even from the private suppliers of the medicines. The administration of the district shall consider the need of the Sansthan and take steps to supply the medicines commensurate to its availability, demand and supply immediately.

D. Considering the need of the time, the Sansthan is permitted to purchase the medicines required for treating Covid-19 patients from the private suppliers without tender. This order is restricted only for purchase of required medicines for Covid-19 patients.

E. The civil applications are accordingly disposed of.

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]

