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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 24th February, 2021

+ **W.P.(C) 2514/2021**

VINAY KUMAR & ORS.

..... Petitioner

Through: Mr. Ganesh Chand Sharma,
Advocate.

versus

UNION OF INDIA THROUGH: ITS SECRETARY

DEPARTMENT OF CIVIL AVIATION & ORS. Respondents

Through: Mr. Bhagwan Swarup Shukla, CGSC
with Mr. Sarvankar, Advocate for
UOI.

Mr. Anuj Aggarwal, ASC with Mr.
Shikhar Sheel & Ms. Ayushi Bansal,
Advocates for R-2.

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J.(Oral)

1. This hearing has been done through video conferencing.
2. The Petitioners arrived in India from the UK on 20th February, 2021. The entire family tested negative at the Delhi Airport, However, the Petitioners were sent to seven days institutional quarantine at the Vivanta Hotel, Dwarka, New Delhi. The grievance of the Petitioners is that since they have tested negative, only 7 days home quarantine is required to be undertaken as per the guidelines and not institutional quarantine.
3. Yesterday, the matter was listed and both, Id. Counsel for the Union of India and Id. Counsel for the GNCTD were requested to take instructions in the matter.
4. Mr. Shukla, Id. Counsel appearing for the Union of India submits that as far as the Central Government is concerned, if any passenger arriving

even from the U.K. tests negative, such passengers have to undergo home quarantine for 14 days as per the guidelines issued by the Ministry of Health & Family Welfare (*hereinafter*, 'MoHFW'). He submits that the institutional quarantine of the Petitioners has been directed pursuant to guidelines issued by the GNCTD.

5. Insofar as the GNCTD's stand is concerned, Mr. Aggarwal, Id. Counsel submits that there is an order of the Delhi Disaster Management Authority dated 29th January, 2021 which encloses therewith the MoHFW's SOP dated 1st January, 2021. It appears that the Petitioners were quarantined on the ground that they could have been in contact with co-passengers in the same flight, three rows in front and three rows behind, who may have tested positive. However, there is no clarity as to whether this SOP continues to be in operation, owing to the submission of Mr. Shukla, Id. counsel today.

6. Ld. Counsel for the Petitioners submits that the Petitioners 3 and 4 are not able to receive the type of food they are used to, at the hotel and moreover, it may be safer for them to home quarantine, owing to their age. Since it is not clear from the submissions of both parties, as to which is the exact circular which is applicable to the Petitioners, considering that Petitioners 3 and 4 are minor children - three years and six years of age, as an exceptional circumstance, instead of institutional quarantine, the Petitioners are permitted to remain in home quarantine for 7 days. The Petitioners shall strictly abide by the quarantine procedures and the authorities are permitted to check on them.

7. It is, however, made clear that the Union of India and the GNCTD shall give clear instructions to the Delhi Airport and place the current SOP in a prominent manner on the Delhi Airport's website, so that passengers

who are travelling are aware of the applicable SOPs and guidelines and no confusion is created in this regard.

8. Ld. counsel for the GNCTD shall inform the authorities of today's order, without waiting for a copy of this order, to allow the Petitioners to move into home quarantine.

9. The petition is disposed of in the above terms. All pending applications are also disposed of.

**PRATHIBA M. SINGH
JUDGE**

FEBRUARY 24, 2021

Rahul/C

