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

+ W.P.(C) 4999/2021

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Decided on: 26th April, 2021

JAIDEEP AHUJA

..... Petitioner

Through: Mr.Sacchni Puri, Sr.Adv. with
Mr.Praveen Kumar Sharma, Mr.Dhananjay
Grover, Advs.

Versus

GOVT, OF N.C.T OF DELHI & ANR.

..... Respondents

Through: Mr.Anuj Aggarwal, ASC with
Ms.Ayushi Bansal, Adv. for GNCTD.

Mr.Chetan Sharma, ASG with Mr.Amit Mahajan,
CGSC, Mr.Sahaj Garg, Mr.Amit Gupta, Mr.Vinay
Yadav, Mr.Akshay Gadeock, Mr.R.V.Prabhat,
Advs. for UOI.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JASMEET SINGH

JUDGMENT

: **D.N.PATEL, Chief Justice (Oral)**

Proceedings in the matter have been conducted through video conferencing.

C.M.No.15332/2021 (exemptions from filing attested affidavits & court fee)

For the reasons stated in the application and in view of the present prevailing situation, the present application is allowed. However, the applicant is directed to file duly signed and affirmed affidavits within a period of one week and the requisite Court fee within a period of 72 hours from the date of resumption of regular functioning of the Court.

The application is disposed of.

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1. This public interest litigation has been preferred with the following prayers:-

- “a) Issue a writ of mandamus to the Respondents directing the Respondents to formulate a policy to ensure that all Patients suffering from Covid-19 associated symptoms and who are in need of hospitalization on account of falling SPO2 levels shall be hospitalized and provided with the appropriate treatment immediately on the basis of prescription of a registered medical practitioners and without insisting on a RT-PCR positive test result;
- b) Issue a writ of mandamus to the Respondents to add more testing centres and upgrade the infrastructure for streamlined collection of samples for RT-PCR;
- c) Issue a writ of Mandamus and/or any other appropriate writ/direction/order to the Respondents to ensure strict compliance of the RT-PCR report timelines fixed by this Hon'ble Court, failing which strict action shall be taken against the relevant pathology Laboratories; and
- d) Pass any other or further order as may be deemed fit in the facts and circumstances of the present case.”

2. We have heard the learned counsel for the parties.

3. It is submitted by the learned counsel appearing for the respondent - Government of NCT of Delhi that on 23rd April, 2021, Special Secretary, Health and Family Welfare Department, Government of NCT of Delhi has already issued necessary directions *inter alia* that admissions of the patients in the hospitals shall be made without insisting on RT-PCR ‘positive’ test reports. It is also submitted by the learned counsel for Government of NCT of Delhi that such patients who do not have RT-PCR positive test reports but have symptoms associated with Covid-19 are directed to be kept in a

dedicated area for suspected cases. It is further submitted that the said directions dated 23rd April, 2021 have already been circulated to all the concerned hospitals/medical centres situated in Delhi.

4. In view of the aforesaid submission made by the learned counsel for the Government of NCT of Delhi and in view of the said circular dated 23rd April, 2021, we see no reason to issue any further directions to the respondents. However, we direct that the orders/directions issued by the Government be followed scrupulously by the concerned hospitals/medical centres. The Government of NCT of Delhi shall also take steps to widely circulate and make the public aware of the aforesaid circular dated 23rd April, 2021.

5. Looking to the sudden surge in the number of Covid-19 cases, we hereby request the respondent/Government of NCT of Delhi to have more testing centres and to upgrade the infrastructure for streamlining the sample collection for RT-PCR test in order to ensure that the timeline fixed for the RT-PCR report may be complied with. The needful be done within a period of three days and an affidavit of compliance be filed.

6. With these observations, this writ petition is disposed of.

CHIEF JUSTICE

JASMEET SINGH, J

APRIL 26, 2021

'anb'

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