

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

SUO MOTU PUBLIC INTEREST LITIGATION NO. 4 OF 2020
COURT ON ITS MOTION

Vs.

UNION OF INDIA THROUGH ITS SECRETARY AND OTHERS

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.PBhandarkar, Advocate as Amicus Curiae.

Shri U. M. Aurangabadkar, A.S.G.I. for respondent no.1

Shri D.P.Thakare, AGP for Respondent Nos. 2, 5, 6, 8 and 9

Shri S.M.Puranik, Advocate for Respondent NO.4

Shri M.Anilkumar, Advocate for intervener.

Shri Samarth, Advocate for intevener.

CORAM :- R. K. DESHPANDE, AND
SMT. PUSHPA V. GANDEDIWALA, JJ.

DATED :- 15.09.2020

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and video quality was proper.

2. In the order dated 10.09.2020, we have discussed the issue of reducing the death rate of Covid-19 patients. We had observed in para 4 of the order dated 10.09.2020 that, "it is not the case of the parties including the Municipal Commissioner, Nagpur; the Collector, Nagpur, the Deans of GMCH and IGGMC, Nagpur that the infrastructural facilities namely, ICU, Ventilator beds or oxygenated beds are not available". In that context we also observed that this cannot be the reason for the State and it is the duty of the State to make all infrastructural and medical facilities available to save the life of people who are affected or likely to be affected by

Corona Virus.

3. Our attention is invited by the Municipal Commissioner to the proposal dated 19.08.2020 said to have been forwarded to the State Government for creation of infrastructure of 1000 beds at Mankapur Stadium, out of which 400 beds shall be for ventilators and 300 beds shall be of oxygenated. The complaint is that the State Government is not responding.

4. We are surprised as to how the State Government is not responding to such proposal. The situation in Nagpur is dreadful. The death rate is increasing day by day. Mortuaries are full. There is a queue in crematories. The patients are not getting ventilators and oxygenated beds. The situation is becoming ferocious. Still the State Government is not rising on the occasion to reduce the death rate. We direct the State Government to take decision on this proposal within a period of one week from today. If we find that no action is taken on the proposal, we direct the Chief Secretary of the State to personally remain present before us so as to make the statement and explain the difficulties in discharging the duties.

5. The learned AGP points out to us that about 20 Hospitals are informed to provide the list of para medical staff for allotment of duties by letter dated 09.09.2020. But no response is received from such Hospitals.

6. We direct that all such Hospitals and Nursing Colleges covered by letter dated 09.09.2020 shall immediately provide a list of para-medical staff within two days, failing which we shall be constrained to issue bailable warrant to secure their presence. The Collector shall bring this order to the notice of the concerned Hospitals and Nursing Colleges, so that they can be hauled up for contempt, if there is non-compliance of the order passed by this Court.

7. In response to the contents of para 9 of our earlier order dated 10.09.2020, the Municipal Commissioner makes a statement that a list of Ayush Doctors, PG Students or students of Super Speciality who are summoned to work under the guidance and instructions from senior doctors, shall be placed on record.

8. The interveners have invited our attention to the facilities available at Railway Hospitals. We put this to the Municipal Commissioner who is empowered authority under the Act to see as to whether the services and facilities at Railway Hospitals can be requisitioned for treatment of patients who require ventilated and oxygenated beds and also services of medical and para medical staff.

9. We are assured by the Municipal Commissioner that he shall look into this aspect of the matter and if thought fit, the Railway Hospitals can also be requisitioned with specific instructions. We expect him to do this on or before

17.09.2020 so that the patients of Covid-19 can get immediate medical aid.

10. The parties are agreeable for physical hearing of the matter on 17.09.2020. The parties appearing in person and the lawyers are expected to remain personally present in this Court. We request the Municipal Commissioner to assist us.

11. Put up this matter on **17.09.2020 at 10.30** a.m. for further direction along with W.P. (St.) No. 8050 of 2020.

JUDGE

JUDGE

Rvjalit