

K. Vinod Chandran & M.R. Anitha, JJ.

W.P(C) No.11312 of 2021

Dated, this the 24th day of May, 2021

ORDER

Vinod Chandran, J.

The above writ petition is filed seeking inclusion of Judicial Officers and Lawyers in the priority category for vaccination against COVID 19. The learned Counsel for the petitioner points out the declaration of the State Government of Chhattisgarh recognizing Journalists and Lawyers as front line workers. We were also informed that the officials and staff engaged in running the High Court of Delhi have been recognized as front line warriors considering the requirement for their presence in the High Court to '*keep the wheels of justice whirring*' (sic), though the hearings are carried out virtually. A similar situation exists in this Court also.

2. We have heard the learned Counsel for the petitioner and the State Attorney. We are told that even in this State the Journalists have been prioritized for vaccination. While we agree with the petitioners that the Lawyers, who are the most important conduit for the

general public in accessing justice; prioritization has to be made taking into consideration those in active practice. In this context we have to notice that though no specific prayer is made it could apply to Advocate Clerks also on a need-to basis depending on the actual engagement, warranting exposure to the pandemic.

3. As far as the Judicial Officers are concerned; which in the Subordinate Judiciary of this State stands at a total strength of less than 500, it is pertinent to remind the State Government that during the initial lock-down period and the present one, as also in between when the pandemic was spreading unabated; the Courts were and are still functioning. Though restrictions were placed so as to avoid crowding, matters were taken up daily in every Court functioning within the State and even during the lock-down period the presence of the Judicial Officers and skeletal staff were required as per the administrative instructions of the High Court. In this context, we notice that the entire employees of the State Government were automatically registered for vaccination through SPARK, the application employed for disbursement of salaries, though the same was done in

the wake of elections to the Legislative Assembly of the State. But for those who voluntarily opted out, almost the entire work force of the State has been inoculated. The staff of the Subordinate Courts in every Districts and the employees of the Registry of this Court are also paid by the State Government though the control and supervision is on the High Court by virtue of the Constitutional provisions. It is only proper that the Judicial Officers and the Staff of the Registry of the High Court and the Subordinate Courts in the State be inoculated so as to enable them to safely function, ensuring every citizen access to justice.

4. The High Court, on the administrative side has constituted Committees at every District centers with the Principal District Judge as the Chairman to look into the requirements of the Judicial Officers, the Staff members, the Advocates and Advocate Clerks afflicted with the disease. The State Attorney shall ensure that the District Collectors take up the matter of inoculation of the Staff of the Subordinate Courts with the Principle District Judges of each District and device methods to provide inoculation to the Judicial

Officers and the staff of the Subordinate Courts in the 14 Districts on a priority basis. The registration could be automatically facilitated through the salary disbursement application, SPARK which is the application used for disbursement of salary to the judicial staff also.

5. Like wise the Registry of the High Court has been functioning prior to the present lock-down in full strength and even in circumstances wherein the advisories of the Government stipulated lesser staff strength. The entire staff were employed on a rotation basis exposing them to a possible infection, though not on a daily basis. Even in the circumstances of a triple lock-down within the District of Ernakulam the Registry was functioning with 25% staff strength as in the District Judiciary. For the High Court and its staff a Committee has been constituted with the Registrar (Administration) as its Chairman. We are of the opinion that the State Government should prioritize the Staff of the High Court as in the case of the staff of the Subordinate Courts considering their exposure to the pandemic; and we direct to facilitate the same.

6. To facilitate further action in the above

matter we deem it fit that the Registrar General and Registrar (District Judiciary) be impleaded as additional respondents 4 and 5 herein, who shall respectively take up the matter of inoculation of the entire staff of the Registry of the High Court and the Judicial Officers and staff of the Subordinate Courts. A report on the action taken shall be placed by the 2nd respondent and the additional respondents 4 and 5 within a period of two weeks from today.

7. As far as the Advocates in the State are concerned the State Government in consultation with the representatives of the Advocate Association and the Bar Council of Kerala shall device a method by which the Advocates enrolled with the Bar Council who are in active practice and the Clerks enrolled with the Advocate Clerks Welfare Fund and are regularly employed with Advocates having actual practice are identified and provided inoculation with expedience.

Sd/-

K.VINOD CHANDRAN, JUDGE

Sd/-

M.R.ANITHA, JUDGE