



HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

Order Sheet

WPPIL No. 27 of 2020

Suo Moto WP (PIL) Versus State Of Chhattisgarh

WPPIL/46/2021, WPPIL/47/2021, WPPIL/48/2021

04/06/2021	<p>Shri Prafull N Bharat, Adv. appears as <i>amicus curiae</i>.</p> <p>Shri Rakesh Pandey, Adv. for the petitioner in WP PIL No.46 of 2021.</p> <p>Shri V. Giri, Senior Advocate with Shri Alok Bakshi, Addl. Adv. General, Shri Chandresh Shrivastava, Dy. Adv. General and Shri Vikram Sharma, Dy. Govt. Adv. for the State.</p> <p>Shri Ramakant Mishra, Adv. for the UOI.</p> <p>Shri Abhishek Sinha, Adv. for the Railways.</p> <p>Shri Ashish Shrivastava, Adv. for the SLSA.</p> <p>Shri Palash Tiwari, Shri Anumeh Shrivastava, Shri Devershi Thakur, Shri Arjit Tiwari, Shri Aman Pandey, Adv. for the respective interveners.</p> <p>Shri Himanshu Chaubey, intervenor in person.</p> <p>Heard.</p>



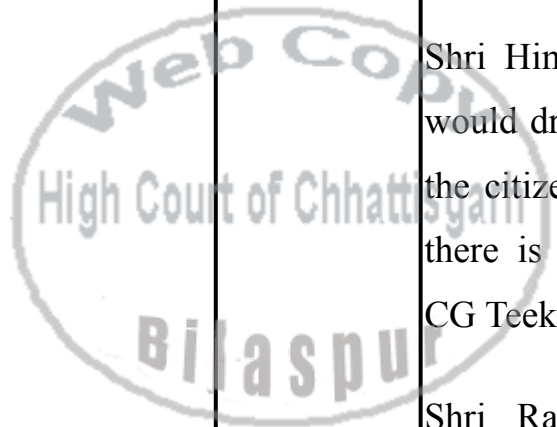
Shri Prafull N Bharat, learned *amicus curiae*, reads paras 7 (f) (g) & 9 of the affidavit dated 18-5-2021 filed by the Officer-in-Charge Dr. Amit Kumar Bhardwaj, to submit that the figures of vaccination provided therein are in violation of categorywise allocation of vaccination under the State Government's order dated 9-5-2021.

Shri Abhishek Sinha & Shri Anumeh Shrivastava, learned counsels would draw attention of the Court to the problem arising out of issuance of defective certificate in respect of vaccination inasmuch as a person getting Covishield jab is issued certificate of Covaxin jab.

Shri Himanshu Chaubey, Advocate, appearing in person, would draw attention of the Court to the problem faced by the citizens of 18+ category, as upon getting the first jab, there is no scheduling for getting the second jab in the CG Teeka App.

Shri Rakesh Pandey & Shri Palash Tiwari, learned counsels, would draw attention of the Court to the non-availability of vaccines and wastage of vaccines, respectively.

Shri V. Giri, learned senior counsel appearing for the State, would submit that the State is making all possible efforts to adhere to its policy by maintaining the ratio of percentage of vaccination amongst different categories as per its order dated 9-5-2021, while at the same time minimising the wastage. Learned senior counsel would further submit that the State authorities are aware of the difficulties of issuance

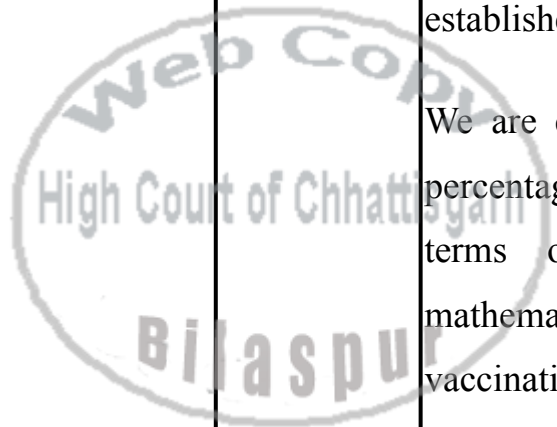




of discrepant certificate. In so far as problem of scheduling of second dose is concerned, the same is happening on account of uncertainty of availability of vaccines of second dose.

Having heard learned counsel for the parties, it appears violation of percentage of allocation for a particular category is happening because the vaccines are to be utilised at the center as is allocated for the given day so that there is minimum wastage. It is also happening because of digital divide and the percentage of population available in the particular area where the vaccination centers are established.

We are conscious of the fact that while adhering to the percentage of job to be provided to different categories in terms of the State's policy dated 9-5-2021, the mathematical precision cannot be adhered. The whole vaccination programme is such a complex phenomenon that adherence to the percentage in a precise terms is very difficult to achieve. It is the intent of the respondent to provide job to the citizens which is more important than some glitches which are occurring at some places either while issuing a different certificate or the difficulties in scheduling for the second dose. However, at the same time, it is important to bear that providing different certificate than the job administered to a particular person would not only cause difficulty for getting second job but also having an unknown risk of medical problem if a different second job is given to the same person.





In view of the above, we direct the State Government to take all necessary precautions that a person getting first job of a particular brand/company, is issued the certificate of the same job and not the other one.

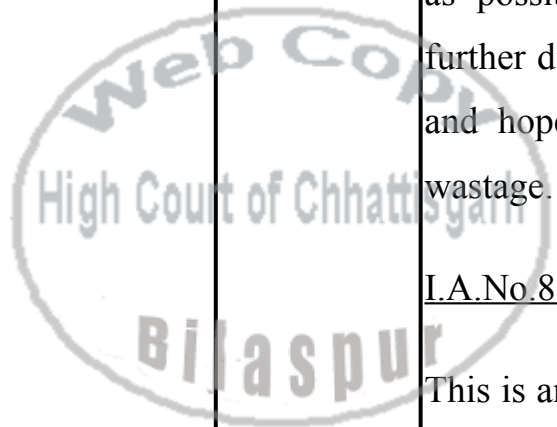
In so far as scheduling for the second job is concerned, we expect that as and when the vaccines are available with the State, the scheduling will be done by inviting all the persons who have received the first job to get themselves registered or obtain the date for receiving second job.

Since the State Government has already assured that as far as possible, there shall be no wastage of vaccines, no further direction in this regard is needed, however, we trust and hope that the State Government shall minimise the wastage.

I.A.No.87 of 2021

This is an intervention application dated 18-5-2021 filed by Shri Devershi Thakur, Advocate, on behalf of Shri Nimesh Shukla, Advocate, bringing into notice of this Court the manner in which the dead bodies of COVID-19 affected persons are buried/cremated.

Having heard learned counsels we expect that the State shall ensure that the dead bodies are buried/cremated in a decent and respectful manner as the right to be respectfully and decently buried/cremated has always been treated to be inclusive in the right to life under Article 21 of the Constitution of India.





With the aforesaid observations, I.A.No.87 of 2021 stands disposed of.

I.A.No.90 of 2021

This is an intervention application dated 1-6-2021 filed by Shri Devershi Thakur, Advocate, on behalf of Shri Avinash Pratap Singh, for a direction concerning parole, its effect and limitation on fresh release under the orders of the High Power Committee.

Let Shri Thakur file a fresh writ petition because issue raised in this intervention application does not relate to the issue of preparedness and control of spread of COVID-19 Pandemic, which was the main object of *suo motu* PIL.

Accordingly, I.A.No.90 of 2021 also stands disposed of.

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge

Gowri