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HIGH COURT OF TRIPURA
AGARTALA

WP(C)(PIL) No.1/2021

Tanjim Ahmed.

..... *Petitioner(s)*.

- Vs.-

Union of India and Ors.

..... *Respondent(s)*.

For Petitioner(s) : Mr. A Nandi, Advocate,

For Respondent(s) : Mr. Bidyut Majumber, Asstt. S. G.,

Mr. Debalaya Bhattacharya, Govt. Advocate.

HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI
HON'BLE JUSTICE MR. S G CHATTOPADHYAY

O R D E R

15/3/2021

(Akil Kureshi, CJ).

This petition in the nature of Public Interest Litigation(PIL) has been filed by a fresh law graduate who claims and we are prepared to believe, has no personal interest. He has requested the Court for issuing directions to the State Government to include Judges, judicial staff, lawyers and the clerks of the advocates as frontline workers for the purpose of giving priority in administering Corona vaccines. The petitioner has produced the Government of India policy under which guidelines for rollout of COVID-19 vaccine in time bound but phased manner are laid down. His advocate would point out that these guidelines do not make any provision for giving priority to the above group of citizens who are directly

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connected with the judicial system. The petitioner has also produced current data of the sanctioned strength and incumbency in various categories of the employees in the registry of the High Court as also the judicial and administrative staff of the districts.

Based on such materials, counsel for the petitioner submitted that the Judges, lawyers and support staff of the courts and lawyers are engaged in dispensing justice. It is essential that this system should be functioning uninterruptedly. Protection of fundamental and human rights of the citizens is one of the basic tenets of the courts. Any disruption in justice delivery system would have serious repercussions. He, therefore, submitted that the said group of citizens may be granted priority. He stated that such an issue is pending before the Supreme Court. In any case, in the State of Tripura, the number of persons who would qualify for such preferential distribution of vaccines would be very small. Of these, fewer people may opt for taking the vaccines. Considering these aspects, the Government may be directed to provide COVID-19 vaccines to the said group of persons on priority basis.

If, as stated by the counsel for the petitioner, such an issue is under consideration before the Supreme Court, surely a final view, after hearing all sides and considering all relevant aspects of the matter, would be taken. However, so far as this petition is concerned, we are not inclined

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to issue the directions as prayed for. Firstly, mere small number of eligible persons who may opt for the vacancies in the State on the priority cannot be the sole consideration. This is the Government of India policy and has all India repercussions. Relatively small number of persons in the State opting for the vacancies if the priority as requested by the petitioner is granted, therefore, would not tilt the balance in favour of issuing the directions. Further, we have perused the Government of India policy for rollout of the vaccine in a phased manner, a copy of which is produced at Annexure-1 to the petition. As per this policy, in Phase-I, all Health Care Workers would be covered. These would be the health care providers and workers in health care settings (Public and Private), including ICDS workers. In the second phase, Frontline Workers who are described as personnel from State and Central Police department, Armed Forces, Home Guard, prison staff, disaster management volunteers and Civil Defence organization, Municipal workers and Revenue officials engaged in COVID-19 containment, surveillance and associated activities would be covered. In the third phase the Government of India would be able to provide vaccines to the persons over the age of 50 years and those below the age of 50 years but with co-morbid conditions such as diabetes, hypertension, cancer, lung diseases etc. Each of these categories such as Health Workers, Frontline workers etc. are further sub-divided. For

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example, Health Worker category is divided in different groups such as Front line health and ICDS workers, Nurses and Supervisors, Medical officers, Paramedical staff etc. Similarly Frontline workers category is further sub-divided into Army, Air Force, Navy and Coast Guards falling within the Ministry of Defence; Assam Rifles(AR), Border Security Force(BSF), Central Industrial Security Force(CISF), Central Reserve Police Force(CRPF), Indo Tibetan Border Police(ITBP) etc. falling within the Ministry of Home Affairs; Municipal Workers under Ministry of Housing and Urban Affairs and Revenue Officials and State Police working under the State Government. Thus, this document is a policy statement issued by the Government of India after due deliberations and which policy would have been formulated in consultation with the experts in the field. When the task of covering almost entire population of the country in excess of 130 crores is to be undertaken by the administration and for which detailed policy formulations have taken place, any interference even in the form of a suggestion by the Court must be to the minimum and at any rate, not without full material being placed before the Court and after dispassionate and matured thinking. One can take judicial notice of the fact that by now the rollout of the COVID vaccine has been going on since quite some time and virtually all qualified and willing members of categories 1 and 2 i.e. Health Care Workers and Front Line

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Workers have been covered. COVID vaccine is now made available to the prioritised age group of population over a certain age and those who may be below the cut-off age but who may have co-morbid conditions. At such a stage, we are most reluctant to interject and insist that an additional category may be recognized for the purpose of priority distribution of vaccines.

This does not mean that we do not share the concerns of the petitioner for the health and well-being of the Judges, lawyers and support staff. So far as medical aspects attached to this issue is concerned, we must trust the Government agencies to have due regard to the difficulties of this group. So far as managing the Courts during difficult times of spread of Corona is concerned, the High Court has been taking policy decisions, formulating appropriate policies and issuing necessary directives from time to time so that to the best possible extent, the work of the litigating public is not disturbed and at the same time, the health of the Judges, lawyers, support staff and their families is not compromised. We are sure, on the later aspect of managing the Courts during Corona times, the High Court of Tripura will continue to closely monitor the situation and issue appropriate directives from time to time. However, so far as the former aspect of covering the persons engaged in justice delivery system on priority basis, the same must be left to the wisdom of the Central Government.

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Like any other issue of this nature, these deliberations cannot ever be final and given a dramatic or drastic turn in the situation, a fresh look is always permissible. Subject to these observations, at this stage, we do not find that the situation is right for issuing the directions as prayed by the petitioner.

Public Interest Litigation petition is disposed of accordingly.

(S G CHATTOPADHYAY, J)

(AKIL KURESHI, CJ)



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