

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (PIL) No.1301 of 2020

Court on its own motion

Versus

The State of Jharkhand & Ors. Respondents

With

W.P. (PIL) No.1302 of 2020

The Court on its own motion on the letter of
Arun Kumar Dubey

Versus

The State of Jharkhand Respondent

With

W.P. (PIL) No.1308 of 2020

Court on its own motion

Versus

The State of Jharkhand Respondent

With

W.P. (PIL) No.2328 of 2020

Rajeev Kumar Petitioner

Versus

The State of Jharkhand & Ors. Respondents

CORAM : HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the Petitioner : Mr. Rajendra Krishna, Advocate

[In W.P.(PIL) No.1301 of 2020]

: Mr. Rajeev Kumar (In Person) [In
W.P.(PIL) No.2328 of 2020]

For the State

: Mr. Rajiv Ranjan, AG
: Mr. Sachin Kumar, AAG-II
: Mr. Piyush Chitresh, A.C to A.G
: Mr. Ashok Kumar Yadav, G.A.I

For the RIMS

: Mr. Akash Deep, Advocate

For the U.O.I.

: Mr. Rajiv Sinha, A.S.G.I.

ORAL ORDER

33/Dated: 20th May, 2021

Matters have been heard through video conferencing and there is no complaint whatsoever regarding audio and/or visual quality.

2. Learned counsel for the petitioner/intervener, learned Advocate General for the State as also learned A.S.G.I for the Union of India appeared through on-line mode.
3. Dr. Kameshwar Prasad, the Director, RIMS is present before this Court through on-line mode.
4. Reference may be made to order dated 13.05.2021.
5. At the outset, learned Advocate General, appearing for the State seeking time to comply with dated 13.05.2021 passed by this Court, whereby and whereunder the competent authority of the State of Jharkhand was directed to reply to the certain queries made by this Court, has submitted that before next date of hearing the affidavit would be filed.
6. Learned counsel appearing for the petitioner/intervener has pointed out that in the last affidavit the State through the department of Health has stated about appointment of Nodal Officer to look after the affairs of the Sadar Hospitals and other hospitals of each district of the State and as such submission has been made that the State is required to apprise this Court with respect to proper management of the Sadar hospitals and other hospitals of the each and every district of the State where such Nodal Officers have been appointed so that better monitoring can be done in order to provide medical aid to the people suffering from Covid-19.

Learned counsel for the petitioner/intervener has further drawn attention of the Court about the status of juveniles in the State who are languishing in remand homes of the districts as

also arrangements made by the State in order to combat with the Covid-19 infection among the prisoners of the different prisons in the State.

It has further been pointed out by referring to the news clippings published in daily Hindi newspaper “Dainik Bhaskar” about non-working of 55 Ventilators, which have been sent under PM Cares Fund from the competent authority of the Central Government.

Learned counsel for the petitioner/intervener has further pointed out that on the one hand the State Government had filed Interlocutory Application for release of Oxygen Cylinders lying in the judicial custody while on the other hand 200 oxygen cylinders have reported to be missing from the Medical College at Hazaribagh, for which as yet no legal action has been taken.

It has further been submitted that as per the news report, there is likelihood of third wave of Covid-19, which is stated to be affecting the kids also but in the State of Jharkhand and even in the RIMS which is a institute of repute for the entire State of Jharkhand, there is no facility to provide treatment to the Kids and as such the State is required to apprise this Court as to what are the strategy to deal with such situation, in case kids would suffer from Covid-19.

Learned counsel for the petitioner/intervener has further submitted that so far vaccination is concerned, large-scale awareness in the rural/remote area is required, in the same way as has been done by the Jharkhand Legal Services Authority,

as because the people living in the rural/remote area are still not ready to take vaccine due to wrong impression and as such to deal with such condition, large-scale awareness amongst such people is required and, therefore, it is incumbent upon the State to apprise this Court as to what steps have been taken and also what steps is to be taken by the State Government to make aware the people living in rural/remote areas so that they be mentally prepared for vaccination.

Besides these, one other problem has been pointed out with respect to such persons who have been referred to RIMS from different districts for getting treatment of Covid-19 but after recovery they are facing hard in returning to their home district/native place because of restriction of movement from one district to other and, therefore, the State Government is required to make some arrangement so that the people who have been recovered after getting treatment in any hospital in any of the districts of the State so as to reach their native place to remain in isolation.

It has further been submitted that as yet the equipments like that of CT-Scan etc. in RIMS has not been purchased.

7. The Director, RIMS, who has appeared in person through on-line mode, has submitted that the order for purchase of medical equipments have been placed to a company, namely, M/s Seimens Healthcare Pvt. Ltd, however, the matter is being pursued diligently by the RIMS authority but it would be appropriate and effective if the M/s Seimens Healthcare Pvt. Ltd

would be impleaded as party to present proceeding, so that the order which has been placed for purchase of CT-Scan machine etc. be supplied at an early date.

So far purchase of equipment in RIMS is concerned, it has been submitted that the steps taken for purchase of equipments i.e. CT-Scan, Cath lab. etc. will be explained by way of affidavit on the next date of hearing; and so far as the appointment of scientists and lab technicians are concerned, it has orally been informed that the *ad hoc* appointment has been made and likely the ad hoc appointees will join the duty tomorrow.

8. We, after considering the aforesaid submissions and taking into consideration larger interest of the people, deem it fit and proper to implead M/s Seimens Healthcare Pvt. Ltd, JIL Building, Plot No. 78, Sector – 18, Gurgaon – 122015 (India) as party respondent to proceeding.

Accordingly, office is directed to implead M/s Seimens Healthcare Pvt. Ltd, JIL Building, Plot No. 78, Sector – 18, Gurgaon – 122015 (India) as party respondent and issue notice to the newly impleaded respondent by registered post with A/D, ordinary process as well as via e-mail forthwith.

9. We have heard learned counsel for the parties and after appreciating their arguments, are passing following directions:

- (I). So far as compliance of order dated 13.05.2021, whereby and whereunder we have directed the competent authority of the State of Jharkhand to reply to certain queries made

by this Court, as prayed for, let such affidavit be filed before the next date of hearing.

The State Government shall also apprise the progress pertaining to Kotwali P.S. Case No. 107 of 2021 and other criminal cases instituted for black-marketing of medicines and other equipments.

(II).The Secretary, Department of Health, Medical Education and Family Welfare, Govt. of Jharkhand shall apprise this Court with respect to further steps taken after appointment of Nodal Officer under the leadership of Deputy Commissioner of each and every district of the State to look after the management of Sadar Hospital and other hospitals of the districts as to how the monitoring system would be made more effective to combat the situation of Covid-19.

So far as issue pertaining to installation of oxygen storage tank in different Sadar Hospital in different district of the State is concerned, the Department of Health shall apprise this Court about the progress on the issue by the next date of hearing.

(III).The State Government through Department of Health, Medical Education and Family Welfare, Govt. of Jharkhand will also apprise as to whether any communication regarding non-working condition of 55 Ventilators, which have been sent under PM Cares Fund, has been made to the competent authority of the Central Government or not;

and if any such communication has been made, the details of which shall be filed.

In this regard, the learned A.S.G.I. has assured this Court that if any correspondence has been made to the Central Government, the same would be responded by taking instruction from the competent authority of the Central Government.

(IV). So far as missing of 200 Oxygen cylinders from Medical College at Hazaribagh is concerned, the State Government shall apprise this Court as to what action has been taken and whether the aforesaid cylinders have been recovered as yet or not?

(V). The State Government is directed to apprise this Court as to what arrangement has been made for such patients, who have been referred from other districts for treatment to another district and after recovery from treatment how they are being sent to their native place amidst restriction imposed by the State Government for movement from one district to another.

(VI). The State Government is directed to apprise this Court with respect to arrangement and steps to be taken to combat the surge of Covid-19 pandemic in case it affects the kids across the State.

(VII). The State Government is directed to apprise this Court with respect to awareness programme in the rural/remote

areas of the State for making mentally prepare to such people for vaccination.

(VIII).The State Government is directed to apprise this Court with respect to arrangement made for the juveniles who are in remand homes in order to combat with the suffering from Covid -19 as also the steps taken by the State Government to combat the situation of Covid-19 amongst the prisoners of different prisons across the State.

(IX).The Director, RIMS is directed to bring on record the details of the appointment made on the posts of scientists and lab technicians as also the matter of purchase of medical equipments - CT-Scan machine, cath lab. etc. by way of affidavit to be filed before the next date of hearing.

9. Let the affidavits be filed by the respective parties on or before the next date of hearing.

10. Post these matters on 27th May, 2021.

(Dr. Ravi Ranjan, C.J.)

(Sujit Narayan Prasad, J.)

Alankar/ -
N.A.F.R.