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**IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.353 of 2021**

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Shivani Kaushik

... .. Petitioner/s

Versus

Union of India & Ors.

... .. Respondent/s

With

Civil Writ Jurisdiction Case No.17398 of 2018

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Rohit Kumar

... .. Petitioner/s

Versus

The State of Bihar & Ors.

... .. Respondent/s

With

Civil Writ Jurisdiction Case No.9639 of 2021

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Gaurav Kumar Singh

... .. Petitioner/s

Versus

The Union of India & Ors.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 353 of 2021)

For the Petitioner/s	:	Ms. Shivani Kaushik (In Person) Mr. Mrigank Mauli, Amicus Curaie
For the UOI	:	Dr. K.N.Singh (ASG) Mr. Anshuman Singh, Advocate
For the Respondents	:	Ms. Kanak Verma, CGC Mr. Abhimanyu Singh, Advocate Sri S. N. Pathak, Advocate
For the State	:	Mr. Vikas Singh, Sr. Advocate Mr. Lalit Kishore, AG Mr. Anjani Kumar, AAG-4 Mr. S.D. Yadav, AAG-9 Mr. Alok Kumar Rahi, A.C. to AAG-4 Mr. Anmol Chandan, Advocate
For Respondent No. 5	:	Mrs. Binita Singh, Advocate
For Respondent No. 6	:	Mr. Shivender Kishore, Sr. Advocate
For the Respondents	:	Mr. S.D. Sanjay, Sr. Advocate
For the PMCH	:	Mr. P. K. Shahi, Senior Advocate
For PMC	:	Mr. Prasoon Sinha, Advocate
For DMCH	:	Mr. Bindhyachal Rai, Advocate
For GMC	:	Mr. Rabindra Kr. Priyadarshi,
For the Intervener	:	Mr. Rajiv Kumar Singh, Advocate

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(In Civil Writ Jurisdiction Case No. 17398 of 2018)

For the Petitioner/s : Mr. Manish Kumar No 13, Advocate
Mr. Jitendra Kumar Bharti, Advocate
Ms. Kanchan Jha, Advocate
Mr. Rohit Kumar No. 1, Advocate
Ms. Parul Prasad (Amicus Curiae)
Mr. Rohit Kumar (In Person)
For the State : Mr. Subhash Prasad Singh, GA-3For
Respondent No. 6 : Mr. Kumar Ravish, Advocate
For the Respondents : Mr. Shivendra Kishore, Sr. Advocate
Ms. Binita Singh, Advocate
Ms. Parul Prasad, *Amicus Curiae*

(In Civil Writ Jurisdiction Case No. 9639 of 2021)

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
Mr. Nikhil Singh, Advocate
For the UOI : Dr. K.N. Singh (ASG)
Mr. Anshuman Singh, CGC
For AIIMS, Patna : Mr. Binay Kumar Pandey, Advocate
For the State : Mr. Lalit Kishore, Advocate General.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

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(The Court proceedings are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their homes/offices.)

16 06-05-2021

Re : IA No. 01 of 2021 & 02 of 2021
in

CWJC No.353 of 2021 and analogous matters.

We have heard at length Mr. Vikas Singh, learned Senior Advocate, appearing for the State of Bihar, along with Sri Lalit Kishore, learned Advocate General, Bihar; Dr. K.N Singh, learned Additional Solicitor General; and other learned Counsel on

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steps taken to improve the supply of medical Oxygen as also other infrastructural issues for treatment of patients infected with the Corona Virus within the State of Bihar.

2. At the outset, it is pertinent to note the immeasurable importance of a life of every person. Also, a recognition that as representatives of institutions and pillars of a democracy, we collectively hold a responsibility to ensure that the people get the help and are provided with the healthcare they need, especially in these times of great crisis. None should lose life only on account of lack of adequate medical care.

3. We would also be amiss if, right at the outset, we do not acknowledge the excellent work carried out by our doctors and other medical staff whom we had in previous litigation termed as our 'Guardian Angles'.

4. We reiterate the previous orders dated 15.04.2021; 17.04.2021; 19.04.2021; 21.04.2021; 23.04.2021; 27.04.2021; 28.04.2021; 29.04.2021; 30.04.2021; 03.05.2021 and 04.05.2021.

5. Highlighting the major issues arising for consideration we crystallize the following as lack of infrastructure and preparation for dealing with the Pandemic Covid-19:-1) Testing; 2) Hospitalization; 3) Human resources, i.e. Doctor(s) & Paramedics; 4) Requirement, availability and transportation of

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Oxygen; 5) Medicines (both life saving and otherwise general medication); 6) Dissemination of information to the public, increasing public sensitivity and awareness; 7) Performance of Last Rites of those who have fallen victim to this disease; 8) Disposal of waste generated in testing and treatment; 9) Availability and the administration of the vaccine.

6. We direct the Chief Secretary, Government of Bihar, to file his personal affidavit, dealing with each one of the issues. We clarify that the affidavit be short and specific on all material particulars. The information, as discussed, be furnished in a tabular form after verifying the contents thereof to be accurate and correct. We further clarify that information given be true, correct and verified from all sources. Any information found to be false shall be taken seriously, including initiation of proceedings for perjury. Only for such purpose, as prayed for, we are granting three days to file the affidavit, which can be so done latest by Sunday on the E-Mail of the Court Master of this Court. For such purpose, the matter is directed to be listed on 10.05. 2021.

7. We are informed that the major problem with respect to the availability of medical Oxygen is its transportation from other states to the State of Bihar as the plants are distributed across the country. The demand as it stands today is 300 metric

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tonnes (approx.). In contrast, the allocated quota is 210 metric tonnes (approx.) by the Central Government, which in any case stands increased from the previously issued 164 metric tonnes (approx.). Out of this allotted 210 metric tonnes (approx.), 154 metric tonnes (approx.) are currently being brought into the State through a limited number of special transport vehicles available with the State. Further, we are informed that more transport vehicles are to be received by the State, precisely 6 (six) from the State of Jharkhand, and 3 (three) from Indian Oil Corporation. This is in addition to 7 (seven) that have been made available to the State vide communication dated 03.05.2021.

8. For those that are to be received from the State of Jharkhand, we are informed that the Director of Transport, Ministry of Road Transport and Highways, Government of India, has already issued directions, and the modalities are being worked out between the Transport Commissioners of the two States, i.e. Bihar and Jharkhand. It appears that the Additional Chief Secretary, Department of Industries is the Nodal Officer authorized by the State to coordinate this movement. Let the process be expedited.

9. Mr. Mrigank Mauli, learned Amicus Curiae, informs us that a total of 19 hospitals within Patna and 145

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hospitals within the State have been authorized to treat COVID patients. Nearly 6-7 hospitals have filed complaints indicating non-supply/ shortfall/additional demand of Oxygen.

10. Mr. Vikas Singh, learned Senior Advocate, appearing for the State adds that once these additional vehicles are made available, the State would be able to transport its entire allotted quota, whereafter a request would be made to the Central Government for additional allocation of Oxygen to the State. Perhaps such a need may arise considering the increase of cases in the rural areas. Emphasizing, he points out that Oxygen is the first line of treatment on which immediate attention and focus is required. We are in total agreement with him on this issue.

11. He further informs that storage of Oxygen is not an issue, for the State has adequate storage arrangement and its distribution up to the endpoint.

12. Before we pass any further order on the issue of demand, transportation and distribution of Oxygen, we direct the Chief Secretary, Govt. of Bihar, to file his personal affidavit verifying the correctness of the statements made about the allocation; transportation; distribution etc. Needful be positively done by tomorrow i.e. 07.05.2021.

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13. The State can hand over the same through digital mode during Court proceedings.

14. For such purpose, list these case on 07.05.2021 at 10:30 A.M.

15. Dr. K.N Singh, learned Additional Solicitor General points out that the committee set up under directions of this court to inspect the hospitals and other related infrastructure will be submitting its report very shortly.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini/

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