

IN THE HIGH COURT OF JUDICATURE AT BOMBAY;

NAGPUR BENCH; NAGPUR.

LD-VC-CW(PIL) NO.12 OF 2020

Petitioner :- Citizen Forum For Equality,
a registered NGO, vide registration No.
MH/645/11 through its President
Mr.Madhukar Ganpat Kukde

Flat No.4 - Document Nalanda
Apartments, Tilak Nagar,
Amaravati Road, Nagpur

-: Versus :-

Respondents:- (1) The State of Maharashtra,
Through its Chief Secretary,
Mantralaya, Madam Kama Road,
Mumbai - 400051.

(2) The Union of India, Through its
Secretary, Ministry of Health
Government of India, 4th Floor,
A-Wing, Shastri Bhawan,
New Delhi - 110001.

- (3) Indian Council for Medical Research, through its Director General, Department of Health Research, Ministry of Health & Family Welfare, Government of India, Veer Ramloga Swamy Bhavan, Ansari Nagar, New Delhi-110029.
- (4) National Disaster Management Authority, (NDMA) through its President having office at NDMA Bhavan, a-1, Block No.01, Nauroji Nagar, Safdarjang Enclave, New Delhi – 110029.
- (5) The District Collector, Civil Lines, Nagpur.
- (6) The Municipal Commissioner, Nagpur Municipal Corporation, Civil Lines, Nagpur.

JOINT PURSIS ON BEHALF OF DISTRICT COLLECTOR, NAGPUR
AND COMMISSIONER OF POLICE NAGPUR.

That the District Collector, Nagpur i.e. present respondent No.5 and Commissioner of Police Nagpur City most humbly and respectfully submit that they have taken decision on 21.05.2020 in pursuance of the directions given by this Hon'ble Court in the present matter as per order dated 19.05.2020. The copy of the decision taken by District Collector, Nagpur and Commissioner of Police Nagpur City on 21.05.2020 is enclosed

and marked herewith as **ANNEXURE I** for the kind perusal of this Hon'ble High Court.

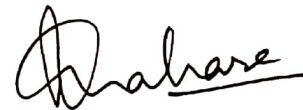
Hence this joint Pursis.

Nagpur,

Dated :-21.05.2020



(Commissioner of Police Nagpur City)



(District Collector Nagpur)

Drafted by



(S. Y. Deopujari)
Government Pleader
High Court, Nagpur

Ann. I

Read :- The directions given in para Nos.11, 12 and 13 of the order dated 19.05.2020 passed by the Hon'ble High Court, Mumbai, Bench at Nagpur in LD-VC-CW(PIL)No.12 of 2020 (Citizen Forum of Equality –vs- the State of Maharashtra through its Chief Secretary, Mumbai and others).

1. As per the above order dated 19.05.2020 the Hon'ble High Court, Mumbai, Bench at Nagpur has directed the District Collector Nagpur and the Commissioner of Police, Nagpur to take an appropriate decision on conducting RT-PCR tests on the Medical and Police Personnel working or discharging duty in the two containment zones of Mominpura and Satranjipura as a pilot project and it is also directed that the decision shall be taken within 48 hours without being influenced by any observation in the said order.

As per the above order the Hon'ble High Court, Mumbai, Bench at Nagpur the Hon'ble High Court has issued direction that the only anxiety is that the District Collector and the Police Commissioner come with a structured response to the suggestion of Pilot Project of testing the Medical and Police Personnel who are engaged in active duty in the two containment zones of Mominpura and Satranjipura.

2. In pursuance to the directions supra, the District Collector, Nagpur and the Commissioner of Police, Nagpur has conveyed a joint meeting in the meeting hall of the Commissionerate of Police, Nagpur at 10.30 a.m. on 20.05.2020 to envisage the modality in order to abide by the direction given by the Hon'ble High Court. The expert doctors were called from IGGMC, GMCH, MAFSU. At the said meeting Dr.B.K. Upadhyay, the Commissioner of Police, Nagpur, Shri Ravindra Thakare, the District Collector, Nagpur, Shri R.G.Kadam, the Joint Police Commissioner, Smt. Sweta Khedkar, the Dy. Commissioner of Police, Crime Branch, Dr. Shri Ravindra Khadse from IGGMC, Nagpur, Dr.Kanchan Wankhede from GMCH, Nagpur , Dr. Sandeep Choudary from MAFSU and Dr. Sandeep Shinde, In- charge of Police Hospital Nagpur were prominently present.
3. During discussion at the said meeting the Collector Nagpur has invited the attention of all the invitees regarding the directions given by the Hon'ble High Court, Bench at Nagpur in its true letter. After long discussion with the Commissioner of Police, Nagpur and the respective doctors from the Medical and Hospital Institutions, the Collector Nagpur and the Commissioner of Police, Nagpur has

decided that a preliminary data has to be collected so that the appropriate decision could be appropriately taken regarding the suggestion of RT-PCR tests of the Medical Staffs and the Police Personnel who are engaged in active duty in the two containment zones of Mominpura and Satranjipura in the Nagpur City.

- 4) In the said meeting it is also decided that the necessary information regarding number of Medical Hospitals and Institutions who are working in the war against COVID-19 and their capabilities to perform the Swab testing including the situations of quarantine Centres admitting the suspects of COVID-19 and the daily Swab samples positions in the respective Medical Hospitals and Institutions be obtained immediately. Thus it is decided that the Joint meeting of the District Collector, Nagpur and the Commissioner of Police, Nagpur shall be again held at 4 p.m. on 21.05.2020 in the meeting hall of the Commissionerate of Police to examine these facts to arrive at the proper suggestion.
- 5) The District Collector, Nagpur has also chaired a meeting called in the Chatrapati Hall, Collector Office, Nagpur at 12.00 p.m. on 20.05.2020

where the respective doctors from the IGGMC, GMCH, MAFSU and Dy. Collector (Revenue) and Nodal Officer COVID-19 Materials were present. In the said meeting discussion was held on the point of the number of Medical Hospitals and Institution dealing with COVID-19 Patients and in particular taking the stock of working of RT-PCR Machines with capacity of testing, the total numbers of Swab testing per day, the workload of the each Medical Hospital and Institution, the availability of testing Kits and the number of Personnel involved in the team doing the work of Swab testing. After taking the relevant details to that effect the following information are collected so that the work of RT-PCR testing of Medical Staff and Police Personnel can be streamlined in proper manner. In the meeting the following factual aspects came to be ascertained in respect of the number of Government Hospitals/Institutions testing the suspected COVID-19 Patients and in particular the nature of the work having particular district-wise allocation, number of RT-PCR Machines, date of starting of testing of Swabs, the average sample testing capacity per day, number of cycles, number of samples tested in April, number of samples tested in May till 20.05.2020, availability of number of testing kits, number of V.T.M. Kits, number of RNA Extraction Kits

and number of Swab Collection Team to that effect. The statement

showing the details are summarised as under :-

Name of the Govt. Hospitals/ Institutions	Name of District Allotted	No. of RT-PCR machines	Date of Starting testing	Average Samples testing capacity/ per day	No. of Cycles per day	No. of Samples tested in April.	No. of Samples tested in May	Availa- bility of test- ing Kits.	V. T. M. Kits	RNA Extra- ction Kits	No. of Swab Colle- ction Teams
IGGMC	Nagpur City and Quarantine Centres in Nagpur	3	27.02.2020	300	3	3042	3403	3000	2200	500	1 (6 Perso ns)
AIIMS	Nagpur , Chandrapur, (Yavatmal in crisis)	2	04.04.2020	300	3	2234	2039	2500	4000	500	1 (4 perso ns)
GMC	GMC Hospitals + Quarantine Centres in Nagpur, Bhandara, Gondia, Chandrapur, Gadchiroli, Yavatmal,	1	09.04.2020	200	3	1622	2563	1300	-	250	1 (10 perso ns)
MAFSU	Wardha	1	16.04.2020	100	2	320	637	800	N.A.	250	NIL
NEERI	Nagpur	1	21.04.2020	100	2	230	788	1000	N.A.	150	NIL

Note :- 1) In Nagpur City one private institution namely Dhruv Pathology and Molecular Diagnostic Lab is authorised by ICMR, New Delhi for COVID-19 testing.

Note :- 2) Swabs collected by IGGMC, AIIMS and GMC are distributed daily amongst the above stated 5 labs as per their status of pendency.

6) The office of the District Collector, Nagpur has also obtained lab status report regarding swab testing from last three days i.e.18.05.2020 to 20.05.2020 from Labs namely AIIMS, GMC, IGGMC, MAFSU, CSIR-NEERI and MGIMS, Wardha which are -

589, 696 and 530 on daily basis per day. However, the lab capacities are for nearly 1000 Swab samples tests per day.

- 7) The details of information collected, reveals that there are total 798 Police Personnel rendering duties in these containment zones excluding Police Personnel having feature of co -morbidity and above the age of 55 are not deployed in the containment zones.
- 8) The details of information received from Medical Officer NMC shows that there are total 295 Medical Doctors ,Nurses and other Healthcare workers, out of which 42 workers are already tested and all of them are found negative.
- 9) Today the joint meeting of the Commissioner of Police, Nagpur City and the District Collector of Nagpur is held at 04.00 p.m. during which other officers are present. The District Collector, Nagpur and Commissioner of Police, Nagpur after examining the facts narrated above arrived at joint decision, that if the number of positive cases in one of the containment zone under question, are 15 or above i.e. the hotspots, in that event it would be appropriate to suggest that medical and police personnel shall undergo RT-

PCR Tests in staggered phases. Because these frontline workers are exposed to more infection risks, due to nature of their work, which involves dealing with citizens in these areas, directly.

- 10) From the above field reality although the Police Personnel and medical staffs are the front line workers, but as per the new policy of ICMR dated 18.05.2020 regarding the strategies for COVID-19 testing in India only the all symptomatic healthcare workers/front line workers involved in containment and mitigation of COVID-19 are required to be tested. Therefore the question of such front line workers, a-symptomatic whether to be tested or not is now the matter of concern.
- 11) The availability of testing infrastructure is also the matter of concern in addition to the new guidelines issued by ICMR dated 18.05.2020 in respect of testing of COVID-19, while suggesting the measures to test these medical and police personnel by RT-PCR tests.

- 12) The local survey of the Mominpura and the Satranjipura reveals that these are Hot-Spot areas, where the Police Personnel and medical staffs are working in these two containment zones.
- 13) It is therefore after the minute consideration of all aspects District Collector, Nagpur and Commissioner of Police, Nagpur city arrived at following decision :-

The RT-PCR tests of the Medical and Police Personnel working or discharging duty in the two containment zones of Mominpura and Satranjipura are proposed to be conducted, where more than 15 positive cases are found in each of the containment zones in staggered phases. Hence the joint decision is being submitted to the Hon'ble High Court, Bench at Nagpur in pursuance of order dated 19.05.2020 in PIL No. 12/2020.

Nagpur

Dated 21.05.2020


Commissioner of Police,
Nagpur City


21/5/20
District Collector,
Nagpur