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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 4209/2020**

UTSAV SIDHU & ORS. Petitioners
Through Mr.Manish Tewari, Mr.Abhimanyu
Tewari, Mr.Amitabh Tewari, Advs.

versus

UNION OF INDIA THROUGH SECRETARY, MINISTRY OF
HEALTH AND FAMILY WELFARE & ORS. Respondents
Through Mr.Chetan Sharma, ASG with
Mr.Anurag Ahluwalia,CGSC for
UOI/R-1 and 2 with Mr.Abhigyan
Siddant, Mr.Amit Gupta, Mr.Anish
Roy, Advs.
Mr.Jawahar Raja, ASC (C),
GNCTD/R-3 with Mr.Archit Krishna
Adv.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **21.07.2020**

1. This hearing has been held by video conferencing.
2. Pursuant to the query raised by the respondent no.3 to the respondent no.2 by its letter dated 17.07.2020, the respondent no.2 by its letter dated 20.07.2020, has issued the following clarifications:

I am directed to refer to the above mentioned subject and to say that in response to your letter No.F.253/DGHS/PHW-IV/COVID-19/NCDC Lab/2020/ss3hfw/504 dated 17th July, 2020 it is submitted that currently, the strategy for COVID-19 testing in India is focused on testing symptomatic individuals,

close contacts of lab confirmed cases and high risk individual pre-op, immune compromised etc. Opening up testing for all asymptomatic will create an un-necessary burden on labs which will lead to missing of individuals who are in actual need of the test. To maintain these checks and balances, testing has been recommended for eligible individuals coming with due prescription. Recently, ICMR has sent a letter dated 01.07.2020 to States/UTs advising to allow private practitioner also to advice testing based on ICMR criteria. This move is expected to liberalize testing.”

3. The learned counsel for the petitioners has drawn my attention to the Travel Advisory issued by the State of Himachal Pradesh which *inter-alia* requires a person travelling to Himachal Pradesh for purposes of tourism to produce a Covid Test Certificate (RT-PCR test based report) issued by the ICMR authorized/certified lab with negative report before undertaking such travel. He has further drawn my reference to the Press Reports dated 03.07.2020 and 07.07.2020 to contend that in the Union Territory of Chandigarh and in Mumbai city, the requirement of the prescription for Covid-19 Test has been done away with presumably based on the advisory dated 01.07.2020 issued by the respondent no.2. Based on the above, he submits that each State is following a different criteria, which would not only lead to confusion but also restrict the movement of persons *inter-se* States.

4. The respondent no.2 is directed to file an affidavit stating its stands on the requirement of a prescription for testing of Covid-19 especially in light of the submissions of the petitioner recorded hereinabove. Such affidavit be filed within one week from today.

5. List on 31st July, 2020.

JULY 21, 2020/Arya

NAVIN CHAWLA, J