

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF APRIL, 2021

PRESENT

THE HON'BLE MR. ABHAY S. OKA, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE ARAVIND KUMAR

WRIT PETITION NO. 5632 OF 2021 (GM-RES-PIL)

BETWEEN :

DR. CHETAN KUMAR N.G.
S/O. GANGANNA. N.T.,
AGED ABOUT 36 YEARS,
R/AT NO. 61, 1ST BLOCK,
HMT LAYOUT,
NAGASANDRA,
BENGALURU-560 098.

...PETITIONER

(BY SRI DR. CHETAN KUMAR N.G., PARTY-IN-PERSON)

AND :

- 1 . THE STATE OF KARNATAKA
REPRESENTED BY CHIEF SECRETARY,
VIDHANA SOUDHA,
BENGALURU-560 001.
- 2 . UNION OF INDIA
REPRESENTED BY ITS SECRETARY,
MINISTRY OF LAW AND JUSTICE,
DEPARTMENT OF JUSTICE,
JAISALMER ROAD,
NO. 26, MANSINGH ROAD,
NEW DELHI-110 011.
- 3 . BRUHAT BENGALURU MAHANAGARA PALIKE

REPRESENTED BY THE COMMISSIONER,
N.R. SQUARE,
BENGALURU-560 002.

- 4 . DIRECTORATE OF HEALTH AND
FAMILY WELFARE SERVICES
ANANDA RAO CIRCLE,
LAKSHMAN PURI,
GANDHI NAGAR,
BENGALURU,
KARNATAKA-560 008,
REPRESENTED BY ITS DIRECTOR.
- 5 . THE PRIVATE HOSPITALS AND
NURSING HOMES ASSOCIATION (PHANA)
KMC 2, VIDYA BHAVANA,
MILLERS ROAD,
VASANTH NAGAR,
BENGALURU-560 052,
REPRESENTED BY ITS PRESIDENT,
- 6 . THE KARNATAKA STATE PHARMACY COUNCIL
NO. 514/E, 1ST MAIN,
1ST CROSS ROAD,
2ND STAGE,
VIJAYANAGAR,
BANGALORE-560 040,
REPRESENTED BY CHAIRMAN.

... RESPONDENTS

(BY SRI DHYAN CHINNAPPA, AAG A/W
SRI SHRI VIKRAM HUILGOL, AGA FOR R1,
SRI M.N. KUMAR, CGC FOR R2 &
SRI V. SREENIDHI, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE APPROPRIATE ORDERS OR DIRECTIONS TO THE RESPONDENTS TO ENSURE SUFFICIENT POLICIES ARE FORMED TO PROVIDE SYMPTOMATIC SCIENTIFIC APPROACH TO COVID-19 BY EMPHASIZING THE USE OF PULSE OXIMETER AMONG PUBLIC AND TO AVOID UNWANTED SWAB TEST, CONTAINMENT ZONES, SEAL DOWNS, NIGHT CURFEW ETC, AND TO DEVELOP SCIENTIFIC APPROACH IN HANDLING THE PANDEMIC AND AVOID UNWANTED CHAOS, FEAR, STIGMA IN THE COMMUNITY AND ETC.

THIS WRIT PETITION COMING ON FOR ORDERS THIS DAY, **CHIEF JUSTICE** MADE THE FOLLOWING:

ORDER

The petitioner appearing in person is a Pulmonologist as stated in paragraph 2 of the petition. There are very wide and sweeping prayers made in the petition. Prayers (i) to (viii) of the petition read thus:

"i. Issue appropriate orders or directions to the respondents to ensure sufficient policies are formed to provide symptomatic scientific approach to Covid-19 by emphasizing the use of Pulse Oximeter among public and to avoid unwanted swab test, containment zones, seal downs, Night Curfew, etc and to develop scientific approach in handling the pandemic and avoid unwanted chaos, fear, stigma in the community.

ii. Issue appropriate orders or directions to the respondents to provide necessary protection such as mandatory health insurance of all including Below Poverty line and Above poverty line.

iii. Issue appropriate orders or directions to respondent to make sure particular expert specialist concerned to the disease, who only can take important decision, in the case of Covid, the Specialist would a Senior Pulmonologist.

iv. Issue appropriate orders or directions to the respondent to have a Medical Officer on vigilance at ground zero to ensure the patients approaching the Private hospitals though the Government schemes are given same treatment and care in par with the Cash/Insurance patients.

v. Issue appropriate orders or directions to the respondent to strengthen Primary Health Care Centers/Taluk/District Hospitals in and around Bangalore and rest of Karnaaka to ensure hospitals in Urban areas are not overburdened in future.

vi. Issue appropriate orders or directions to the respondent to monitor the 6th respondent and its members from appointing a committee to ensure that the pharmacist from black stocking any kind of medicines.

vii. Issue appropriate orders of directions to the respondent to fix scientifically the bills of Government Scheme cases and make sure the right medications and care are given to such patients referred to the Private Hospitals.

viii. Issue appropriate orders or directions to respondent to advice media and news to telecast positive news and not create panic among public."

2. As far as prayer (i) is concerned, it is strictly a policy matter which is to be evolved by the experts in the field. The same is the case with prayer (iii). Even prayer (ii) concerns policy matter about providing health insurance to different categories of citizens. As far as prayer (v) is concerned, again, it is a policy matter. Ultimately, it is for the experts in the field to take a call whether Primary Health Centres can be established in and around Bengaluru.

3. Since most of the prayers made in the petition relate to policy matters, it will be appropriate if the petitioner makes a representation to the concerned authorities who are empowered to take policy decisions on the subjects.

4. We, therefore, dispose of the petition by permitting the petitioner to make representations to all the concerned authorities. We are sure that considering the issue of COVID-19, the concerned authorities will look into the said representations at the earliest and will take appropriate decision.

**Sd/-
CHIEF JUSTICE**

**Sd/-
JUDGE**

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