

WWW.LIVELAW.IN
HIGH COURT OF TRIPURA
AGARTALA

W.P. (C) (PIL) No.09/2020

For Court on own motion : Mr. Somik Deb, Amicus Curiae.

For Respondent(s) : Mr. S.S. Dey, Advocate General.
Mr. Debalay Bhattacharjee, GA.
Ms. Ayantika Chakraborty, Advocate.

HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI
HON'BLE MR. JUSTICE S. TALAPATRA

ORDER

10/05/2021.
(Akil Kureshi, CJ).

This public interest petition was initiated *suo motu* by the High Court last year when the so-called first wave of corona virus was swiping the whole country and also affecting the State of Tripura. From time to time, orders were passed and data was collected from the State Government sources. For a while it appeared that the corona virus has subsided. However, by way of abundant caution, this public interest petition was kept alive, not realizing that unfortunately, the situation may arise where further hearing of this PIL would be necessary.

The so-called second wave of corona virus having hit several parts of the country, the State of Tripura is also not spared. Fortunately, however, since the spread across the State was somewhat delayed as compared to other parts of the country, the administration has had a longer

WWW.LIVELAW.IN

notice and therefore more time to prepare to meet with the challenges. The State administration has filed an affidavit dated 08.05.2021 giving details of the availability of medical, paramedical staff, the equipments and other essential supplies to treat the patients who are infected with corona virus. Before we request the administration to provide further data and make a few constructive suggestions, we would like to observe that the number of testings per day, which are being published in the official news bulletin daily, has increased considerably as compared to the previous peak. We hope this rate of testings shall continue till it is necessary.

There appears to be near unanimity amongst the medical and scientific community about the importance of wearing masks at all public places, to ramp up testing followed by isolation of those who might have recently been in contact with the corona positive patients and lastly, to vaccinate as quickly and as widespread a population as possible in order to control the overall spread of corona virus. Till this is effectively done, treating the patients with different degrees of infection load would require different approaches, treatments and availability of treating staff, medicines and equipments. In this context, the latest affidavit of the respondents dated 08.05.2021 has provided certain data, however, certain aspects do not clearly emerge from the said affidavit and which we would request the State administration to provide by a further affidavit on the next date of hearing. The data which we require is as follows:-

WWW.LIVELAW.IN

- (i) Whether there is any scientific model available with the State Government on the basis of which with reasonable accuracy the peak number of corona positive cases per day can be predicted.
- (ii) If so, on the basis of this model it is possible to project the peak requirement of hospital beds with a break up of those required with oxygen and without oxygen.
- (iii) The availability of total number of such beds with and without oxygen supply.
- (iv) What could be the maximum oxygen demand in terms of units/quantity at the peak of the spread of virus and what is the availability of the oxygen with the State administration. The source of continuous supply of such oxygen will also be disclosed.
- (v) The availability of remdesivir doses and other life saving drugs including steroids which may be required in emergency for extreme cases of corona infection. The availability of equipments for treating serious cases of corona virus shall also be stated.
- (vi) Whether the hospitals in the State have any special arrangements for pediatric corona patients and whether any

WWW.LIVELAW.IN

such specialized dedicated ward or arrangement is necessary or would be required in coming days.

- (vii) In the affidavit, the deponent has provided the data about the persons already vaccinated for the first time and also second time. The affidavit also states that the State Government has decided to vaccinate the entire population above the age of 18 free of cost.

The affidavit shall state the percentage of those who qualify for vaccination have already been vaccinated first time and second time as also when shall the persons above the age of 18 but below the age of 45 shall have access to vaccination and rough timelines within which the State administration expects to cover substantial portion of the population which is eligible for such vaccination. The affidavit shall also state exact dozes of vaccination currently available with the State administration and further expected availability from time to time.

The affidavit dated 08.05.2021 states that the State administration has already initiated steps for recruiting 164 doctors for which steps are already initiated by TPSC. Learned amicus curiae, Mr. Somik Deb correctly pointed out that presently, number of such positions are vacant not only of medical but also paramedical staff. Filling up these vacancies

WWW.LIVELAW.IN

through regular selection process in consultation with TPSC is bound to take considerable time. We wonder if the State administration would like to consider making ad-hoc appointments from out of eligible willing candidates by applying some uniform and fair yardstick for ad-hoc selection such as performance of the candidate in the qualifying examination, making it clear that as soon as regularly selected candidates are available, the ad-hoc appointees shall make way for such regular selectees.

List the matter on 17.05.2021.

(S. TALAPATRA), J

(AKIL KURESHI), CJ



sima

सत्यमेव जयते