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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CONT.CAS(C) 739/2020, CM APPL. 33535/2020 & CM APPL.
14470/2021, CM APPL.5817/2022, CM APPL. 9019/2021
DR ROHIT JAIN Petitioner

Through: Mr. Shashank Deo Sudhi, Mr.
Akhilesh Lakhanlal Kamle, Mr.
Sachin Sain, Mr. Karan Singh Tanwar
and Ms. Sadhna Devrani, Advs.

versus

SH VIJAY KUMAR DEV & ORS. Respondents

Through: Mr. Sameer Vashisht, ASC
(Civil),GNCTD and Ms. Sanjana
Nangia Adv. for R-1.
Mr. Anurag Ahluwalia, CGSC, Mr.
Danish Faraz Khan and Mr. Rishab
Narayan, Advs.for R-2 & R-4.
Mr. Anil Grover, Sr.AAG, Haryana
with Mr. Rahul Khurana and Mr.
Mishal Vij, Advs.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER
% **14.02.2022**

The hearing has been conducted through hybrid mode(physical and virtual hearings).

1. The learned counsel for the petitioner submits that (i) in so far as, the “aggregators” are rendering service in Delhi apropos Covid related tests, there is no monitoring of it by the GNCTD, (ii) service providers who may be located outside the NCT of Delhi are operating

without any supervision by any authority statutory agency or government and such unbridled commercial activity could have unfortunate consequences upon the health and safety of citizens and curtailment of the pandemic in the GNCTD.

2. There is no mechanism of oversight by the State Government, apropos who collects blood samples etc. in Delhi apropos such tests or services. It would be in the fitness of things that a re-assurance to the residents of Delhi, if the GNCTD were to formulate and operationalize a regime for surprise checks, inspections and audits as may be appropriate. This should be done to ensure that: i) the services are being rendered by persons qualified to collect the samples; ii) the samples so collected are properly stored; iii) that the samples reach the laboratories within the stipulated time; (iv) the tests are then conducted within the stipulated time and; v) the test report is then promptly disseminated to the part(ies) concerned. In view of the exigent circumstances, this timeline and methodology could well be formulated by the GNCTD under through its executive powers including under the National Disaster Management Act, 2005.
3. The learned ASC, GNCTD seeks time to obtain instructions.
4. The learned Senior Additional Advocate General for the State of Haryana submits that the enquiry was done apropos the complaint/communication received from the GNCTD, regarding one entity, which is stated to have been rendering such services in Delhi, allegedly without due authority/ license. He submits that the matter was looked into and the response has been submitted to the GNCTD to the effect, that the said entity has all the requisite permissions and

its testing laboratory is as per requisite parameters set and approved by National Accreditation Board for Testing and Calibration Laboratories (NABL). He assures the court that the State of Haryana would ensure that entities rendering services to residents of Delhi or anywhere else will be duly monitored to ensure that they maintain the standards, as required.

5. The learned counsel for the petitioner submits that there is no clarification apropos any standards as to the collection of such sample and requisite quantum of the blood that should be drawn for the tests to be conducted. Let the GNCTD in consultation with the Indian Council of Medical Research (ICMR) publish the requisite standards within one week.
6. The ICMR will highlight, on its website, as to how much blood sample, etc. is permitted to be collected for conducting the Covid related tests.
7. List for further proceedings on 09.05.2022.

NAJMI WAZIRI, J

FEBRUARY 14, 2022/dss