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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

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THE HONOURABLE MRS. JUSTICE SOPHY THOMAS

FRIDAY, THE 6<sup>TH</sup> DAY OF MAY 2022 / 16TH VAISAKHA, 1944

WP(C) NO. 15428 OF 2022

**PETITIONER:**

THAMPI V. S., S/O. VELUKUTTY, AGED 67 YEARS,  
331 D AMBADY SRA 66A. NEAR GODOWN MELUHA ENCLAVE,  
WEST KADUNGALLOOR P.O., MUPPATHADAM, ERNAKULAM  
DISTRICT, PIN-683110.

BY ADVS.SRI.V.T.MADHAVANUNNI  
ANAND V.S

**RESPONDENTS:**

- 1 STATE OF KERALA, REP.BY ITS CHIEF SECRETARY TO  
GOVERNMENT, SECRETARIAT, THIRUVANANTHAPURAM-695001.
- 2 UNION OF INDIA REPRESENTED BY ITS SECRETARY, MINISTRY  
OF HEALTH AND FAMILY WELFARE, GOVERNMENT OF INDIA,  
NIRMAN BHAVAN, NEW DELHI-110077.
- 3 THE DISTRICT COLLECTOR, COLLECTORATE, 1ST FLOOR,  
CIVIL STATION, KAKKANAD, ERNAKULAM DISTRICT,  
PIN-682030.

BY SRI. MANU S., ASG OF INDIA  
SR.GP.-SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
06.05.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**JUDGMENT****Devan Ramachandran, J.**

The petitioner, who states to be a publically motivated citizen, has approached this Court with an allegation that respondents are attempting or devising to vaccinate every child in Kerala, irrespective of whether their parents give consent to it or otherwise.

2. Though we have heard Sri.V.T.Madhavanunni - learned counsel for the petitioner, in great detail, we must upfront record that there is nothing in the writ petition or in the pleadings therein, to indicate why the petitioner has been persuaded to an impression that the Authorities are likely to use force for the purpose of paediatric vaccination. The relevance of vaccination does not require to be spoken to by us because it is not an issue in this case, since the petitioner only alleges that the officers, especially the District Collectors, have devised mechanisms to ensure 100% vaccination of all children across the State, notwithstanding the opposition to it by them or their parents.

3. It is pertinent that not a single specific incident or instance has been impelled by the petitioner and he appears to be acting on some

information which he has obtained through the social media. It is also uncontested that none of the media has reported any instance of protest against “forcible” vaccination and we do not think that a speculative cause of action, as projected by the petitioner, should engage us, especially during a vacation sitting.

4. However, we must record the submission of the learned Senior Government Pleader that the intent of the Authorities is only to hortatively call upon every parent to have their wards vaccinated before the schools reopen after summer recess and that no guidelines have been issued for “forcible inoculations” to be carried on.

5. Interestingly, the petitioner has relied upon Exhibit P2 judgment of the Hon'ble Supreme Court in support of his case, wherein, in paragraph 89(ix), the Hon'ble Court has recognised that the decision taken by the Union of India to vaccinate children is in tune with the global scientific consensus and expert bodies like the WHO, UNICEF and CDC and that it is beyond the scope of review for this Court to second guess expert opinion, on the basis of which the Government has drawn up its policy.

6. Since no parent has approached this Court until now complaining of force employed by the authorities to vaccinate any child,

we can only treat the allegations of the petitioner to be conjectural and speculative.

Needless to say, the rights of children, as also that of their parents, are well recognised under our Constitution and the Hon'ble Supreme Court has also spoken recently that no one can be vaccinated against his/her consent. We are certain, therefore, that nothing remains for us to consider in this writ petition and therefore, close it without any further orders.

Sd/-

Devan Ramachandran, Judge

Sd/-

Sophy Thomas, Judge

**APPENDIX OF WP (C) 15428/2022**

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE JUDGMENT OF THE HON'BLE SUPREME COURT REPORTED IN AIR 2021 SC 101.
- Exhibit P2 TRUE COPY OF JUDGMENT OF THE HON'BLE SUPREME COURT IN JACOB PULIYEL VS. UNION OF INDIA DATED 02.05.2022.