
(2021) 05 KL CK 0083

In the High Court Of Kerala

Case No : Writ Petition (C) No. 10806, 10853 Of 2021

Antony Joseph Parel

APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

Date of Decision : 07-05-2021

Acts Referred:

Citation : (2021) 05 KL CK 0083

Hon'ble Judges : Devan Ramachandran, J;Kauser Edappagath, J

Bench : Division Bench

Advocate : K. Ramakumar, K. Anand, T.M. Muhamed Hafees, Venketesh Bose, P. Vijayakumar, K.V. Sohan, M. Ajay, George Poonthottam, Arun Chandran, Nisha George

Judgement

1. These two writ petitions, impelled in public interest, beg focus on a common cause, praying that the Real-Time Reverse Transcription Polimerase

Chain Reaction (RTPCR) Test - which is absolutely imperative and unexpendable for the containment and treatment of COVID-19 - be brought

under the Kerala Essential Articles Control (Temporary Powers) Act, 1961 and that a common tariff be prescribed across the board â?" both for

private and public laboratories and diagnostic centres.

2. Even though various allegations, averments and assertions are made in these writ petitions, it is now rendered unnecessary for us to go into them in

detail at this stage because, when these matters were considered by this Court on 30.04.2021, the learned State Attorney, Sri.K.V.Sohan, made a

submission that Government intends to issue an order regulating the RTPCR cost and fixing it at Rs.500/-.

3. Today, when these matters were called, the learned State Attorney submitted that a Government Order, bearing G.O.(Rt)No.980/ 2021/H&FWD

dated 30.04.2021, has been issued, fixing the rate for RTPCR tests at Rs.500/- for all laboratories and diagnostic centres be that private or public and

that a further order dated 01.05.2021 has been issued invoking the powers under the Disaster Management Act, thus imposing this tariff on everyone

and directing them to complete the tests without charging anything further.

4. We are, therefore, of the firm view that nothing remains for our consideration in these writ petitions because, what has been now done by the

Government is as has been requested and prayed for by the petitioners.

5. Of course, an attempt was made by the learned counsel for the fourth respondent to draw our attention into the intricacies of the pricing policy now

adopted by the Government, but we are of the opinion that it will not be apposite to enter into the same, particularly when we are told reliably at the

Bar that some of the players have already filed writ petitions challenging the afore Government Orders before a learned Single Judge of this Court.

In the afore circumstances, without entering into the merits of any of the dialectical contentions of the rival parties, we close these writ petitions,

recording that Government has issued orders as afore, regulating the price of the RTPCR tests as Rs.500/- across the board for all players, be that in

the private or public sector.

Sri.George Poonthottam, learned Senior Counsel and learned counsel for the petitioners, at this time, pointed out that their clients have also sought that

the RTPCR tests be brought under the ambit of the Essential Commodities Act. However, since the Government has already issued the afore orders

regulating the price as indited above, we do not deem it necessary to pass any specific orders on this issue and leave it to them to consider the same

and take an apposite decision as per law.