

(2022) 08 UK CK 0068
In the Uttarakhand High Court
Case No : Writ Petition (PIL) No. 90 Of 2021

Arjun D. Singh

APPELLANT

Vs

Union Of India And Others

RESPONDENT

Date of Decision : 25-08-2022

Acts Referred:

National Medical Commission Act, 2019 — Section 57

Citation : (2022) 08 UK CK 0068

Hon'ble Judges : Vipin Sanghi, CJ; R.C. Khulbe, J

Bench : Division Bench

Advocate : Gurbani Singh, Anil Kumar Bisht

Final Decision : Dismissed

Judgement

Vipin Sanghi, CJ

1. This writ petition was preferred by the petitioner in public interest in June, 2021 in the second wave of Covid-19 pandemic to seek the following reliefs:-

"a. Issue a writ in the nature of certiorari or any other appropriate writ, order or direction, quashing the impugned circular dated 02.09.2020 issued by the Chief Secretary Health (Respondent No. 3) to the extent that it directs reservation of 25% beds in hospitals for government officials and beneficiaries under Ayushman Bharat / Atal Ayushman schemes for COVID-19 hospitalisation and treatment.

b. Issue a writ in the nature of mandamus or any other appropriate writ, order or direction to the Respondents to formulate and implement a home vaccination policy or a specialized vaccination policy for the elderly, bed-ridden and disabled who are not in a position to travel to the vaccination centres.

c. Issue a writ in the nature of mandamus or any other appropriate writ, order or direction to the Respondents to formulate and implement a walk-in vaccination policy for people of all age groups who are not in a position to digitally register and book vaccination appointments.

d. Issue a writ in the nature of mandamus or any other appropriate writ, order or direction to Respondent no. 2 to 4 for prescribing and fixing time slots for vaccine appointment booking on the CoWIN portal for the concerned vaccination centre and for making the said information available in the public domain, thereby streamlining and making the booking process feasible, convenient and accessible for the public.

e. Issue a writ in the nature of mandamus or any other appropriate writ, order or direction to the Respondents for immediate implementation of notification dated 06.05.2021 issued under Section 57 of the National Medical Commission Act, 2019 pertaining to medical oxygen.

f. Issue a writ in the nature of mandamus or any other appropriate writ, order or direction to the Respondents to effectuate necessary amendments under the Clinical Establishments Act, 2010 and the rules and regulations framed thereunder, and in the Minimum Standards for Clinical Establishments, the Indian Public Health Standards and such other applicable norms and standards, within a specified time-frame, thereby requiring all clinical establishments to have their own dedicated PSA or VSA technology oxygen units in addition to piped oxygen supply and to have other prescribed critical care and life-support medical equipment at all times.

g. Issue a writ in the nature of mandamus or any other appropriate writ, order or direction to Respondent nos. 2 and 3 to conduct an inspection of all the clinical establishments and medical setups in the State for ensuring compliance with the National Medical Commission Act, 2019, the Clinical Establishments Act, 2010, and the rules and regulations thereunder, and under the Minimum Standards for Clinical Establishments, the Indian Public Health Standards, the National Health Mission Guidelines, the National Ambulance Code and any other applicable norms, regulations or standards, within a specified time-frame, and for action to be taken as per law for violation in compliance of the same.”

2. With the passage of time, this petition has become infructuous. So far as the vaccination of elderly and infirm at their residences is concerned, the learned Additional Chief Standing Counsel for the State states that mobile teams were constituted for vaccinating all such persons at their homes. Therefore, even the said grievance of the petitioner stands redressed.

3. The writ petition is, accordingly, dismissed as infructuous.

4. In sequel thereto, pending application, if any, also stands dismissed.