
(2020) 04 OHC CK 0002
In the Orissa High Court
Case No : Writ petition (C) No. 9095 Of 2020

Bijaya Kumar Ragada

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 03-04-2020

Acts Referred:

Constitution Of India, 1950 — Article 21

Citation : (2020) 04 OHC CK 0002

Hon'ble Judges : Biswanath Rath, J

Bench : Single Bench

Advocate : Bijaya Kumar Ragada

Judgement

Heard Mr. B.K. Ragada, learned counsel, who appears in person as the petitioner, Mr. M.K. Sahu, learned Addl. Govt. Advocate for the State and

Mr. A.K. Bose, learned Asst. Solicitor General for the Union of India.

Novel Corona Virus or COVID-19 is a name, that arouse fear psychosis in the mind of every citizen, saving a few irresponsible elements of the

country. It has, by now effected more than 200 countries in the whole world. It has affected rich, it has affected poor, it has affected people in power

and it has affected the have nots. In other words, it defies the geographical boundary, class, cast, creed, colour, religion, position, posts, status. A

Novel fierce is to be made with that novel and extraordinary preparedness. We fully agree with the steps taken by the Union Government and

especially by the Honâ??ble Prime Minister and the Government of Odisha especially by the Honâ??ble Chief Minister so far. We have nothing to

say so far as the steps taken by the Union Government and State Government to protect the interest of the common people at large is concerned.

We are concerned with the fundamental right of the citizens guaranteed under Article 21 of the Constitution of India. The guarantee or right under

Article 21 of the Constitution of India cannot be ensured without safety and protection of the Doctors, Nurses, Para-medical staff and other Medical

Staff engaged in the treatment of patients infected by COVID-19 and also in the other areas of treatment.

We are told that different medical equipments such as personal protective equipments, Sanitizer, Hand Wash, Gloves, Masks etc. are supplied through

the Union Government to the State and that are distributed in different hospitals of the State. We have information to the effect that, around 200

Doctors are engaged in the S.C.B. Medical College and Hospital, Cuttack alone and there is dearth of Sanitizers, Gloves, Hand Wash and Face-masks

for them. We are told the position in the other Medicals including those under private Medical Colleges is disastrous. It is in fact a sorry state of

affairs. So far now 51 Doctors have died in Italy, which is stated to be medically very advanced country. In yesterday's news we heard that 50

Doctors in India have so far infected by COVID-19. It has been brought to our notice that for acute short supply of protective equipments and other

items such as Sanitizer, Hand wash, Gloves, Masks etc. not only the Doctors and the allied staff have started submitting resignation but it is also

reported that many Doctors and allied staff are being afraid of turning to their homes after duty hours in an attempt preventing spreading Corona

Virus, if any.

If Doctors and Nurses are not there, we don't have wisdom and the strategy of the Government cannot have the potency to produce Doctors and

Nurses overnight to fight with the situation that may arise in future. It has also been brought to our notice that there is acute shortage of medicine in

the market. Both State Government and Central Government should immediately engage the Drug Inspectors to see overcoming in short supply of

medicines and maintaining normal supply of medicines to all medicine stores. State Government should also set up an App to receive complaints on

shortage in above items from any Hospital involved herein and fasten such supply. To reiterate, we, therefore, say that, to protect our citizens we have

to protect the Doctors, Nurses, Para-medical staff, etc. and their lives. For this purpose, we want the following responses from both the Union

Government as well as the State Government within seven days hence.

(1) What is the budgetary allocation for providing WHO guided protective gears and other equipments like sanitary gloves, sanitary masks, sanitizers,

etc. provided to the Doctors and Nurses who are treating the COVID-19 infected patients also to the Doctors and allied staff in the Medicals under

Government and also the Private Medical Colleges of the State ?

(2) What steps have been taken so far by the Government to provide the aforesaid materials to different hospitals ?

(3) Also to furnish a list of Doctors, Nurses, Para-medical staff in detail and the list of materials, protective gears supplied to them in different parts of the State.

We have been informed that, three private players have signed MOU with the State Government to provide quarantine facilities and treatment to

COVID-19 infected patients. We need the response from the State Government Counsel as to what steps those private players have taken in relation

to the questions formulated supra.

Besides above, we would also like to direct the Central Government may think and give necessary direction to the Medical Equipment and Medicine

Manufacturers to allow entry of workmen in running such factories or industries to see increase in production and immediate supply of above items. It

may also consider to facilitate fast track transportation of such materials to all such destinations.

We make it clear that the direction hereinabove shall be construed to be a direction so far it relates to all hospitals meant for COVID-19 treatment,

quarantine halls, other Government Hospitals as well as the Hospitals attached to the Private Medical Colleges also running Hospitals. We include

Hospitals other than Corona Hospitals keeping in view that it is not known if the patients attending all such Hospitals are already affected by Corona

or not under the present circumstances.

List this matter on the next Thursday (09.04.2020) before the available Bench of this Court. Response from the Government be given positively by the next date.

A free copy of this order be granted to the Government Counsel for necessary steps.