

(2020) 12 PAT CK 0141

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 7209 Of 2020

Kishore Kunal

APPELLANT

Vs

State Of Bihar And Anr

RESPONDENT

Date of Decision : 16-12-2020

Acts Referred:

Citation : (2020) 12 PAT CK 0141

Hon'ble Judges : Sanjay Karol, CJ;S. Kumar, J

Bench : Division Bench

Advocate : Kishore Kunal, Vikash Kumar

Final Decision : Disposed Of

Judgement

Petitioner has prayed for the following relief(s):

â??(i) Issue a writ of mandamus or other appropriate writ, order and direction directing the Respondent no. 1 to constitute a medical board of experts

in the medical field and immediately send it to every District in Bihar to review and assist the emergency situation of Covid 19,/ Corona Virus;

(ii) Issue a writ of mandamus or other appropriate writ, order to the Respondents to increase the testing capabilities like other state example Delhi,

Andhra Pradesh, Tamilnadu etc.

(iii) Issue a writ of mandamus or other appropriate writ, order to the Respondents to provide proper facilities of testing of Corona virus as well as

sanitization in declared sealed containment area of Corona virus.

(iv) Issue a writ of mandamus or other appropriate writ, order to the Respondent no. 1 and 2 to immediately acquired the private hospitals of Patna

who has ICU and ventilator facility for treatment Corona Virus with required medical professionals to deal with the emergent situation which has

occurred due to outbreak of Corona Virus;

(v) Issue a writ of mandamus or other appropriate writ, order and direction to the Respondent no. 1 & 2 to immediately arrange extra 1000 mobile

ICU (intensive care units) with required medical professionals to deal with the affected patients from the remote area;

(vi) Issue a writ of mandamus or other appropriate writ, order and direction to the Respondents to direct to every Government and Private Hospitals to

disclose the Name of Doctor and Medical Staff at its Public Notice board with his responsibility and contact number with duty time who deployed at

time so that at emergency situation Patient could get medical assistance.

(vii) Issue a writ of mandamus or other appropriate writ, order and direction to the Respondents to take serious action against Authority as well as

medical staffs who are responsible for the patients who died just because any doctor or medical staff as well as medical facility is not available for

them in emergency situation also, they died only because of their negligence, so they should be treated as criminal of the society because dying ratio is

increasing day by day because of them.

(viii) Issue a writ of mandamus or other appropriate writ, order and direction to the Respondents to take serious action against medical staffs,

who are responsible for the patient died due to their negligence as shown in viral videos.

(ix) Issue a writ of mandamus or other appropriate writ, order and direction to the Respondent no. 2 to notify an extra-ordinary government order

directing all the private medical institutions in the affected area to admit and provide treatment free of cost to the patients;

(x) Issue a writ of mandamus or other appropriate writ, order and direction to the Respondents to take all possible preventive steps to stop the

outbreak of the said disease called Covid 19/ Corona Virus;

(xi) Issue a writ of mandamus or other appropriate writ, order and direction to Respondents to provide stocks of the PPT kit, Mask, medicines,

medical equipment and other technical support which are required for treatment of patients suffering from Corona Virus;

(xii) Issue a writ of mandamus or other appropriate writ, order and direction to the Respondents to grant compensation of Rs. 5 Lakhs to surviving

members of family of deceased who have died due to negligence of the state

machinery.

(xiii) Issue a writ of mandamus or other appropriate writ, order and direction directing the Respondents to constitute a fact-finding committee to

determine the role of persons/entity negligent in treatment of Patient which has resulted in mass deaths.

(xiv) Pass any other or further order or orders as this Honâ??ble Court may deem fit and proper in the facts and circumstances of the case.â??

Learned Advocate General states that the matter is now being directly monitored by Honâ??ble the Apex Court and, as such, it would be prudent

that the present proceedings are closed, subject to further orders which may be passed by Honâ??ble the Apex Court in Suo Motu Writ Petition

(Civil) No. 7 of 2020, titled as In Re The Proper Treatment of Covid 19 Patients and Dignified Handling of Dead Bodies in the

Hospitals Etc., in which State has sent for filing an affidavit. The said affidavit deals with the very same issue, subject matter of the present petition.

In view of the statement made by the learned Advocate General, learned counsel for the petitioner prays that the present proceedings be closed

reserving liberty to take appropriate action in accordance with law, including filing a fresh petition, if otherwise permissible in law.

Also he shall, if required, file an appropriate application in the proceedings pending before Honâ??ble the Supreme Court.

The instant petition stands disposed of in the aforesaid terms and liberty.

Interlocutory Application(s), if any, shall sand disposed of.