
(2021) 04 DEL CK 0144

In the Delhi High Court

Case No : Civil Writ Petition No. 4522 Of 2021

Mrigank Mishra

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 13-04-2021

Acts Referred:

Citation : (2021) 04 DEL CK 0144

Hon'ble Judges : Rajiv Sahai Endlaw, J; Amit Bansal, J

Bench : Division Bench

Advocate : Ashish Mohan, Chetan Sharma, Gaurang Kanth, Biji Rajesh, Aman singh Bakshi, Amit Gupta

Final Decision : Disposed Of

Judgement

CM No.13818/2021 (for exemption)

1. Allowed, subject to just exceptions and as per extant rules.
2. The application is disposed of.

W.P.(C) 4522/2021

3. This petition has been transferred to this Bench, post Court commencement hours, owing to Division Bench-II before which it was listed, having not assembled.

4. We have heard the counsel for the petitioner. The Additional Solicitor General appears for the respondents, on advance notice.

5. The petition, filed in public interest, seeks direction to the respondents for, (i) widening of the involvement of private entities in the vaccination drive

underway in the wake of COVID-19 pandemic; (ii) launch of door-to-door programme for vaccination; and, (iii) relaxation of age for receiving

vaccination, from that presently prescribed of 45 years.

6. Being prima facie of the view that the Court does not have the wherewithal to take decision on such matters which require empirical data qua

several factors and to gauge, whether the petitioner, before filing this petition, has done his homework and collected the data on which directions

aforesaid can be issued by the Court, we have enquired from the counsel for the petitioner, (a) at how many places/centres, in the city of Delhi,

vaccination is presently being administered; (b) what is the capacity of each of the said centres i.e. how many persons are being vaccinated at each of

the said centres; and, (c) what is the daily availability/allocation of vaccine for the city of Delhi. It is not the case of the petitioner that there is an

unlimited supply of vaccine. It is also not the case of the petitioner, that the entire available supply of vaccine is for the city of Delhi only. Once the

supply of vaccine is limited, the vaccine available has to be equitably distributed across the entire country. No relief for diverting the entire supply of

vaccine to Delhi, has been claimed or indeed could be claimed. It thus appears that unless the availability of vaccine in Delhi is more than the

vaccinations which can be administered at the centres presently authorised, there is no need for the petitioner to even seek the first of the aforesaid

reliefs, of widening of private participation in the vaccination drive.

7. The counsel for the petitioner does not controvert the aforesaid and replies that at present vaccination is being administered at 56 government

hospitals/clinics and at 136 private hospitals/clinics. The counsel for the petitioner, replying further, states that as per the Covid-19 Vaccines

Operational Guidelines as updated on 28th December, 2020, each centre is capable of vaccinating 100 individuals per session and upon 4 sessions

being conducted, 400 individuals can be vaccinated at each of the said centres. However the petitioner has not bothered to find out, what is the

daily/monthly allocation of Delhi out of the total availability of vaccine in the Country. It is thus not known, whether the available supply of vaccine in

Delhi is in excess of the capacity of the 192 centres already administering vaccination in Delhi. We have enquired from the counsel for the petitioner,

that if the vaccination centres already existing are sufficient to administer the vaccine available, what purpose the widening sought of private

participation in vaccination drive, will serve.

8. No answer is forthcoming.

9. It is obvious that the petitioner has not done his homework, as is required to be done before venturing to file a PIL. Filing of such PILs, instead of

benefitting the public cause, damages the same. It is found that PILs are increasingly being filed in Courts, not with any bona fide intention but to seek

publicity and to get one's name in the newspapers and on the legal websites. We have thus enquired the particulars of the petitioner.

10. We are informed that the petitioner is a final year student of LL.B at Campus Law Centre, Delhi.

11. The shallowness of the study with which the petition has been drafted and filed, does not behove well for a final year student of law and confirms

our view that the zeal with which the petition has been filed, is not of public good but personal publicity.

12. The petitioner would be well advised to concentrate on the study of law, to be well prepared, to serve the clients who will repose trust and faith in

the petitioner, and to be able to represent their case effectively in law, rather than indulging in such half baked exercise. It appears that the petitioner,

as a student of law, does not have enough on his plate, leaving him time to indulge in activities such as the present one. Though students of law, in the

past have brought important issues by way of public interest litigation, after fully researching on the subject but we are afraid, the petitioner has not

done so.

13. We have spoken to the petitioner, who has also joined the proceedings and counselled him so.

14. The petitioner seeks to withdraw the petition.

15. Since the petitioner assures us that he will not waste the time of the Court in future and will appear only with full preparation, we are presently

refraining from imposing any costs on the petitioner.

Dismissed as withdrawn.