
(2020) 05 PAT CK 0005

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 5613, 5615, 5616, 5620 Of 2020

Pawan Kumar And Others

APPELLANT

Vs

State Of Bihar And Others

RESPONDENT

Date of Decision : 11-05-2020

Acts Referred:

Citation : (2020) 05 PAT CK 0005

Hon'ble Judges : Hemant Kumar Srivastava, J;Rajendra Kumar Mishra, J

Bench : Division Bench

Advocate : Prakritita Sharma, Lalit Kishore, Anjani Kumar, S.D.Sanjay, Ratnesh Kumar, Amrendra Kr, Dr. Amrendra Kr, Ansul, Ajay Kumar Thakur

Final Decision : Disposed Of

Judgement

Hemant Kumar Srivastava, J

Through video conferencing we heard Mr. Ajay Kumar Thakur, Advocate appearing in person in C.W.J.C. No.5620 of 2020, learned counsel Dr.

Amrendra Kumar appearing in C.W.J.C. No.5615 of 2020, learned counsel Mr. Ansul appearing in C.W.J.C. No.5616 of 2020, learned counsel Ms.

Prakritita Sharma, appearing in C.W.J.C. No.5613 of 2020. Also heard learned Advocate General Mr. Lalit Kishore, learned Additional Advocate

General No. 4 Mr. Anjani Kumar, appearing for the State as well as the learned Additional Solicitor General Mr. S.D. Sanjay assisted by Mr. Ratnesh

Kumar, C.G.C., appearing for the Union of India.

In all the above writ petitions, prayer has been made to issue direction to respondents to make necessary arrangements to bring back the students of

Bihar, who have been stranded out side the State of Bihar due to COVID 19 or in alternatively, direct the above stated authorities to grant permission

or issue necessary instructions authorising the parents/guardians of the stranded students to bring their respective daughter/ son to their respective

home towns/villages. It has been pleaded in the writ petitions that the Government of India, in order to containment the spread of disease COVID-19,

declared the lock down in the country on 24th March 2020, as a result where of, movement of every person from one place to another place was

stopped till 14th April 2020. However, again the Government of India issued an order dated 14th April 2020 by which the lock down period was

extended upto 3rd May 2020 and, again, by a subsequent order, the lock down period was extended up to 17th may 2020.

The grievance of the petitioners is that due to lock down, their wards as well as several other students are struck at different parts of country without

having any facility of food as well as other necessary items. Further more, grievance of the petitioners is that the State of Bihar has issued passes to

some individual persons to bring their respective daughter/son from different parts of country but when petitioners applied for issuance of passes, their

prayer was rejected by the authority without any rhyme and reason.

Separate counter affidavits as well as supplementary counter affidavits have been filed on behalf of Union of India as well as the State of Bihar. The

Union of India has, specifically, pleaded in its counter affidavits that the Central Government has no objection, if the State takes step to bring the

students to their respective homes. On the other hand, the State of Bihar took stand that due to guidelines issued by the Central Government, under the

relevant provisions of Disaster Management Act, 2005, the State Government is not in position to violate the guidelines of Union of India. However,

the State Government, specifically, pleaded that if the Central Government gives any relaxation, the State Government may take necessary steps to

bring back stranded students to their respective hometowns/villages.

However, during the pendency of the above stated writ petitions, Central Government issued fresh guidelines in respect of lockdown imposed under

the provisions of Disaster Management Act, 2005, granting relaxation and permission to State to bring back the students and others, who have been

struck due to lock down, to their respective home towns/ villages by making proper arrangements. After issuance of fresh guidelines dated 29th April

2020 by the Central Government, the State of Bihar took several steps to bring

back students, who had been stranded at different parts of the country including Kota, (Rajasthan), to their respective hometowns/villages.

In course of hearing, learned counsel Dr. Amrendra Kumar appearing in C.W.J.C. No. 5615 of 2020, learned counsel Shri Anshul appearing in

C.W.J.C.No. 5616 of 2020 and learned counsel Ms. Prakritita Sharma appearing in C.W.J.C.No. 5613 of 2020, frankly, admitted before this Court

that the wards of the respective petitioners have already reached to their respective homes. The aforesaid submission reflects that the main relief,

which was sought, in the writ petitions had already been satisfied.

However, Shri A.K. Thakur, Advocate, appearing in person in C.W.J.C. No. 5620 of 2020 would submit that, no doubt, the main relief stood satisfied

but still several standard students at different parts of the country could not be brought to their respective hometowns/villagers. He pointed out that

near about 500 students have been stranded at Bhopal (Madhya Pradesh) and they applied before the State Government for registration but up till now

the name of those students could not be registered. He, further, pointed out that, no doubt, near about 13473 persons have already been brought to the

State of Bihar by the efforts of the State of Bihar but, as a matter of fact, only 4000 to 5000 students of Kota (Rajasthan) could be brought to their

respective hometowns/villages and, therefore, this Court should direct the concerned authorities to take proper and effective steps so that all standard

students, who wish to return to their respective hometowns/villages, could be brought to their respective homes.

Shri S.D. Sanjay, learning Additional Solicitor General appearing on behalf of the Union of India, would submit that the Government of India has

already permitted the States to bring the standard students including migrant labourers and others to their respective hometowns/villages and the

Central Government has given all the assistance to concerned States. He, further, pointed out that several trains were provided by the Railway to the

States for the above stated purpose and, furthermore, the process of bringing of the standard students as well as migrant labourers is going on and

shall continue till the arrival of last student/migrant labourer, who wishes to return his home.

Shri Lalit Kishor, Advocate General, appearing for State of Bihar, adopted the above stated submissions of learned Additional Solicitor General but

added that the State of Bihar has given each and every facility to stranded students so that the stranded students could return to their home

towns/villages. He, further, submits that the State Government has no objection in issuance of individual passes to those parents or guardians, who

want to bring their wards to their respective homes individually by their own means.

Shri Anjani Kumar, learned AAG 4, too, adopted the submissions advanced by the learned ASG as well as the learned Advocate General .

Admittedly, the wards of petitioners in C.W.J.C. Nos. 5613 of 2020, 5615 of 2020 and 5616 of 2020 have already returned to their respective homes

safely and, now, the petitioners in the above stated three writ petitions have no grievance against the authorities concerned as their relief substantially

stood satisfied.

It is apparent from the above stated submissions as well as pleadings filed on behalf of the parties that the Central Government has already relaxed

and permitted the State of Bihar to bring back the stranded students to their home towns/villages by making proper arrangements and in pursuant to

the above relaxation, the State of Bihar with the help of Union of India as well as Railway has arranged several trains for bringing the stranded

students to the state of Bihar and has also arranged several buses to take the standard students to their respective home towns/villages. It is also

obvious from the pleadings as well as submissions that till 8th May 2020, near about 13473 stranded students, migrant labourers and others have

already been brought to the State of Bihar and have been sent to their respective homes after adopting proper steps as per the guidelines issued by the

Central Government. Furthermore, it is apparent that the process of taking back the stranded students, migrant labourers etc. is still going on. This

Court hope and expect that the State Government, Union of India as well as other responsible authorities shall take appropriate steps within reasonable

time to take back all the stranded students, who wish to return to their respective homes from the different parts of the country but they could not be

brought to their respective homes as yet.

Now a days, not only our country but almost entire world is facing problem due to Pandemic (COVID-19) and our country as well as other countries

of the world have taken different types of steps to save the lives of their citizens.

In the above stated situation, the Union of India has put lock down over the entire country to save valuable lives of the people. No doubt, some persons faced several types of difficulties due to lock down, yet the lock down was imposed by the Central Government in larger interest of mankind.

In view of the aforesaid fact, we do not hesitate to appreciate the efforts taken by the Union of India as well as the State of Bihar in bringing back stranded students to their respective hometowns/villages even in such a difficult situation. Furthermore, we would like to appreciate the efforts taken by learned Additional Solicitor General, learned Advocate General as well as learned Additional Advocate General- 4 in assisting this Court to dispose of these writ petitions.

In view of the aforesaid discussions, all the above stated writ petitions stand dispose of.