
(2020) 04 P&H CK 0013

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition PIL No. 42 Of 2020

Sahil Kumar

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 24-04-2020

Acts Referred:

Citation : (2020) 04 P&H CK 0013

Hon'ble Judges : Ravi Shanker Jha, CJ;Arun Palli, J

Bench : Division Bench

Advocate : Suvir Sidhu, Prateek Sodhi, Satya Pal Jain, Dheeraj Jain, Atul Nanda, Sahil Sharma

Final Decision : Disposed Of

Judgement

Ravi Shanker Jha, CJ

This petition has been filed by the petitioner praying for issuance of directions to the official respondents to conduct Covid-19 medical tests on all the

persons/students who are under lock down in respondent No.3 university; to conduct an enquiry against the university and submit a report in that

regard; to take all steps for preventing spread of the disease within the university campus and to take civil and criminal action against respondent No.3

university.

It is submitted that respondent No.3 university inspite of spread of Covid-19 pandemic has retained as many as 2421 students in the hostel of the

university out of which 3 have been found to be Covid-19 positive and in such circumstances all other students/persons should also be tested. The

students should be quarantined and contained within the university premises and action against the university be taken for violating the guidelines

issued by the Government of India from time to time regarding Covid-19 pandemic.

The State Punjab has submitted its response on advance copy issued to it.

We have heard learned counsel for the parties through video conferencing (Webex App software) with the consent of the parties.

It is submitted that the fact of confinement of 300 students was initially brought to the notice of the authorities and thereafter on questioning it was

found that 2421 students were locked in the hostel of respondent No.3 university. On receiving reports regarding positive cases in the hostel of the

university, three students who had symptoms were tested, out of which two were found to be negative and one Ms. Neetu Chauhan was found

positive. It is submitted that Covid-19 test is required to be conducted on the persons as per the following guidelines issued by the Indian Council of

Medical Research:-

i) All symptomatic individuals who have undertaken international travel in the last 14 days;

ii) All symptomatic contacts of laboratory confirmed cases;

iii) All symptomatic health care workers;

iv) All hospitalized patients with Severe Acute Respiratory Illness (fever and cough and/or shortness of breath);

v) Asymptomatic direct and high risk contacts of a confirmed case should be tested once between day 5 and day 14 of coming in his/her contact.

It is submitted that the following the aforesaid guidelines as many as 162 persons including students, university staff, security personnel, laundry

persons, mess workers, sanitation workers etc. were tested and all of them were found to be negative except for one student, namely, Ms. Neetu

Chauhan, who was found to be positive, was shifted to the isolation ward at Kapurthala and is under treatment.

It is submitted by the learned Advocate General appearing for the State of Punjab that the Deputy Commissioner and Chief Medical Officer are

constantly monitoring the situation and also if the social distancing norms and other necessary measures were being adhered to.

Further the university authorities have been directed to immediately inform them about any instance of cough, fever, sore throat and flu like symptoms

in any of the students/persons under lockdown in the university campus. It is

stated that on 17.03.2020, Civil Surgeon, Kapurthala, has issued an order to respondent No.3 university for preventing and prohibiting any person to enter the university premises. It is also stated that after Ms. Neetu Chauhan was tested positive, the District Administration sealed the premises of the university. On 12.04.2020, Sub Divisional Magistrate, Phagwara, also directed that none of the students be permitted to come out of their hostel room as meals and other facilities would be provided to them in their room itself. Further all the Mess, Canteen and snack bars etc. have also been closed down. It is informed that the authorities have also undertaken screening of the students who are staying as paying guest or in rented accommodation in the periphery of the university campus.

Learned Advocate General submits and is also evident from the annexure filed by the petitioner that on 16.04.2020 a show-cause notice has been issued by the Government of Punjab through the Department of Higher Education and Languages to the respondent No.3 University as to why No Objection Certificate issued to the university may not be withdrawn. It is submitted that in case any irregularity is found, the State will not hesitate to take any action civil or criminal against the university.

Learned Advocate General further submits that the phone numbers of the Nodal Offices or the Deputy Commissioner or any other officers shall be provided to the students staying in the university campus so that in case of any symptoms in their fellow students or in case any deficiency in the food or essential services provided to the students is detected, the students may inform the authorities who may immediately redress their grievances.

Learned Additional Solicitor General of India appearing for the Union of India submits that there were as many as 300 foreign students residing in the hostel of the university campus and on account of intervention by the concerned Embassies and the Union of India 300 students from Bhutan and Sri Lanka have been sent back to their respective countries by arranging special flights.

Both the respondents submit that they will take all possible steps to ensure the prevention of spread of pandemic as well as the necessary action against the concerned university after receipt of the response to the show cause notice as required by law.

In view of the aforesaid statement it is evident that necessary steps for

conducting screening of all the students/persons residing in the university premises, as per the Indian Council and Medical Research (ICMR) guidelines, are being undertaken by the State of Punjab, and a show cause notice has also been issued to the respondent-university and response is awaited.

Taking note of the aforesaid facts, we do not find any necessity to issue any direction or pass any order in respect of the issues raised by the petitioner at this stage.

Thus, without expressing any opinion on the merits of the case, the present petition is disposed of granting liberty to the petitioner, as prayed for, to take up all possible grievances before the authorities and recourse to law, if so advised.