

**(2020) 12 PAT CK 0140**

**Patna High Court**

**Case No:** Civil Writ Jurisdiction Case No. 7208 Of 2020

Ashish Sinha

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

**Date of Decision:** Dec. 16, 2020

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

**Bench:** Division Bench

**Advocate:** Saket Tiwary, Abhixit Singh, Bhawna Jhorar, Vikash Kumar, Rajesh Kumar Verma

**Final Decision:** Disposed Of

### **Judgement**

Petitioner has prayed for the following relief(s):

(i) For issuance of writ of mandamus or any other writ directing the Respondents to exponentially increase the patient testing capacity for

COVID-19 in the State of Bihar in proportion with the population of the State and to bring it at par with rest of the country and global benchmarks and

take all necessary steps in this regard in a time bound manner.

(ii) For issuance of writ of mandamus or any other writ directing the Respondents to enlarge the number of laboratories that can undertake tests for

COVID-19 in the state of Bihar.

(iii) For issuance of writ of mandamus or any other writ directing the Respondents to make arrangement of proper treatment for COVID/ non-

COVID patients in hospitals.

(iv) For issuance of writ of mandamus or any other writ directing the Respondents to allow private hospitals/ nursing homes to treat COVID-19

patients and all such hospitals/nursing homes shall publish on their websites and outside the premises, the status of vacancy of beds on a daily basis.

(v) For issuance of writ of mandamus or any other writ directing the Respondents to implement the Revised Guidelines for Home Isolation of mild/

pre-symptomatic/ asymptomatic COVID 19 cases dated 02.07.2020 issued by the Ministry of Health & Family Welfare

(vi) To monitor the preparedness and measures taken by the Respondents to increase the number of testing facilities and the testing capacity in the

State of Bihar.

(vii) In the alternate, to constitute a committee under a retired judge of this Honâ€™ble High Court to monitor and oversee the preparedness and

measures taken by the Respondents to increase the number of testing facilities and the testing capacity in the State of Bihar.

(viii) Pass any other or further relief, which this Honâ€™ble Court may deem fit and proper in the facts and circumstances.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 stand disposed of.