

Hitesh Bhardwaj vs Ministry Of Health And Family Welfare, ... on 20 May, 2020

Author: Hima Kohli

Bench: Hima Kohli, Subramonium Prasad

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ WP(C) 3197/2020

HITESH BHARDWAJ

..... Petitioner

Through: Dr. N. Pradeep Sharma and Mr.
Harsh K. Sharma, Advocates.

versus

MINISTRY OF HEALTH AND FAMILY WELFARE,
UNION OF INDIA & ANR.

....Respondents

Through: Ms. Maninder Acharya, ASG with
Mr. Jasmeet Singh, CGSC and Mr. Viplav
Acharya, Advocate for UOI.
Mr. Anuj Aggarwal, ASC, GNCTD with Mr.
Ankit Moga, Advocate.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% 20.05.2020 HEARD THROUGH VIDEO CONFERENCING.

1. The present petition has been filed as a PIL by the petitioner praying inter alia for issuing a direction to the respondent No.1/Ministry of Health and Family Welfare, UOI and the respondent No.2/Department of Health and Family Welfare, GNCTD for allowing more private hospitals in Delhi to treat COVID-19 patients and for allowing more number of pathological laboratories in Delhi for testing suspected COVID-19 persons.

2. Dr. Sharma, learned counsel for the petitioner submits that as per the recent reports in the press, there are approximately 10,000 patients of COVID- 19 in Delhi alone, but there are not enough hospitals for providing medical facilities to the citizens. He submits that while many government hospitals have been designated as COVID Hospitals, it is necessary that in the present circumstances, private hospitals should also be designated as COVID Hospitals for treating patients suffering from COVID-19 infection. He points out that the Delhi Government has granted permission to a few private hospitals like Fortis Hospital at Shalimar Bagh, Saroj Hospital at Rohini, Khushi Hospital at Dwarka, Cygnus Hospital at Safdarjung Development Area, Batra Hospital at Tughalqabad, Sir Ganga Ram City Hospital, Maha Durga Charitable Trust Hospital, Max Hospital at

Saket and Apollo Hospital to deal with COVID-19 patients, but they will not be able to cope up with the entire load.

3. Besides the above, learned counsel for the petitioner submits that the respondent No.2/GNCTD has given permission to private pathological labs including Lal Path Lab, Genestrings Diagnostics Centre, Sir Ganga Ram Hospital, BL Kapur Memorial Hospital, New Delhi, Oncquest Labs, Dr. Dang's Lab, Apollo Indraprastha Hospital, Lifeline Laboratory and Superspeciality Hospital, Saket to collect and test the COVID-19 samples, but again, the aforesaid facilities are not sufficient in view of the spike in cases in Delhi.

4. Ms. Acharya, learned ASG appearing for the UOI submits that the relief in the present petition is primarily directed against the respondent No.2/GNCTD. However, the Government of India does lay down the norms for all the State Governments that are required to be followed for declaring a hospital as a COVID Hospital and ICMR has also laid down Guidelines for permitting private pathological laboratories to undertake tests for COVID-19 suspected persons.

5. Mr. Anuj Aggarwal, learned counsel for the respondent No.2/GNCTD submits that he has received instructions from Mr. R.N. Das, Medical Superintendent, Nursing Homes, Directorate of Health Services, who has forwarded him the revised Guidelines for Home Isolation for very mild/pre-

symptomatic COVID-19 cases issued by the Ministry of Health and Family Welfare, Government of India on 10.5.2020. He submits that as per the revised Guidelines, very mild/pre-symptomatic patients can go into self-isolation if they have adequate facilities at their residence and only if serious signs or symptoms emerge as specified in the Guidelines, should the patient be taken to a hospital. Further, he refers to the Guideline for setting up isolation facility/wards to deal with COVID-19 outbreak, as issued by the National Centre for Disease Control, which details in para (b), the setting up of isolation facility/ward. The said Guideline directs that at State level, a minimum of 50 beds isolation ward should be established and at the District level, a minimum of 10 beds isolation ward should be established. The aforesaid documents have been e-mailed to us in the course of hearing for perusal.

6. Learned ASC submits that as of now, Lok Nayak Jai Prakash Naryan Hospital with 2000 beds and Rajiv Gandhi Suprespeciality Hospital with 500 beds, have been designated as COVID Hospitals. Besides the above, 9 private hospitals referred to hereinabove have also been designated as COVID Hospitals for treating patients suffering from COVID-19 virus. This does not include those who are in self-isolation in terms of the Guidelines dated 10.5.2020 issued by the Ministry of Health and Family Welfare, Government of India.

7. At this stage, learned counsel for the petitioner states that there are three other Government hospitals that have been declared as COVID Hospitals in terms of the Notification dated 30.4.2020, i.e., GTB Hospital, Deendayal Upadhyaya Hospital, and Dr. Baba Saheb Ambedkar Hospital.

8. Mr. Anuj Aggarwal, learned ASC clarifies that the aforesaid hospitals were earlier designated as COVID hospitals, but subsequently, they have been removed from the list of COVID Hospitals and presently, only two hospitals, i.e., Lok Nayak Jai Prakash Naryan Hospital and Rajiv Gandhi Suprespeciality Hospital have been so designated. He submits that about 2500 beds are available in the aforesaid two hospitals, which will bring the existing strength of beds in all the designated COVID Hospitals to about 3150.

9. As for the second prayer made by the petitioner for allowing more pathological laboratories in Delhi for testing suspected COVID-19 cases, Ms. Acharya, learned ASG submits, on instructions, that there are 13 Government pathological labs and 15 private labs in Delhi that are permitted to test COVID- 19 suspected persons.

10. In view of the aforesaid submission, as of now, this Court is of the opinion that no interference is warranted in the matter. However, both, Union of India and the Delhi Government are directed to keep their hand on the pulse and keep a tab on the number of cases of COVID-19 that, as we understand, have spiked in Delhi in the past 48 hours so that facilities both at Hospitals and pathological laboratories are proportionately increased, as per the requirement of the patients.

11. With these directions, the present petition is disposed of.

HIMA KOHLI, J.

SUBRAMONIUM PRASAD, J.

MAY 20, 2020 NA