

WP (PIL) No. 06 of 2020

IN RE-COVID 19 MANAGEMENT

Date: 11.12.2020

CORAM:

**HON'BLE MR. JUSTICE ARUP KUMAR GOSWAMI, CHIEF JUSTICE
HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, JUDGE**

...

(ARUP KUMAR GOSWAMI, CJ)

Heard Mr. Jorgay Namka, learned Amicus Curiae. Also heard Mr. Vivek Kohli, learned Advocate General, Sikkim for respondent nos. 3 to 11 and Ms. Sangita Padhan, learned Assistant Solicitor General of India for respondent nos. 1, 2 and 12.

We have also heard Mr. Yam Kumar Subba, learned Counsel appearing for the petitioner in WP (PIL) No. 08 of 2020.

Perused the affidavits filed on 05.12.2020 and 10.12.2020.

Pursuant to a question posed by us to Mr. Kohli on 30.11.2020 as to whether charging non-Sikkimese persons residing in the State of Sikkim for COVID-19 tests while not charging Sikkimese people can be justified on the anvil of Article 14 of the Constitution of India, today Mr. Kohli submits that the notification dated 06.07.2020 by which non-Sikkimese persons were charged has been withdrawn and during the proceedings today, Mr. Kohli has shown us a notification dated 10.10.2020 ,which reads as follows:-

“On the recommendation of the State Level Task Force for the COVID-19 vaccine, the State Government is hereby pleased to notify the following with immediate effect: -

i) All tests at the Flue Clinic for symptomatic person/primary contact shall be free of cost irrespective of the holders of Certificate of Identification/ Residential Certificate/ Voter Identification Card.

ii) All symptomatic Armed forces and para-military personnel shall also be exempted from the payment.

Further, the office order No.2235/H&FW; Dated:6th July, 2020 stands withdrawn.”

Though the notification dated 10.12.2020 indicates that at the Flue Clinic all tests for symptomatic person/primary contact shall be free of cost, Mr. Kohli makes a statement that all Covid-19 tests in respect of any person without any distinction shall be done free of cost. In other words, Mr. Kohli

submits that there will be no distinction between Sikkimese and non-Sikkimese persons. He further submits that if anybody, whether Sikkimese or non-Sikkimese, wants to do the test in his or her residence, then only he or she will have to pay the necessary charges.

We take his statement on record.

Mr. Jorgay Namka submits that he intends to file an affidavit relating to some developments that had taken place at STNM Hospital. It is also submitted by him that according to his information, monitoring of the patients in home isolation is not effectively done.

Mr. Jorgay may file the affidavit as stated by him.

In view of the submission of Mr. Namka, we direct the Principal Secretary, Health & Family Welfare Department to undertake an exercise to see as to whether monitoring of the patients who are in home isolation are effectively done and if he finds that there are certain shortcomings, necessary steps will be taken by him to redress the same.

Mr. Kohli submits that he also intends to file an exhaustive affidavit before the next date fixed relating to management of COVID-19. He is permitted to do so. It is also provided that in the affidavit to be filed, the contentions raised in WP (PIL) No. 08 of 2020 shall also be taken note of and response be given in WP (PIL) No. 06 of 2020.

Registry will list this case on 26.02.2021.

Judge

Chief Justice

jk/