

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/WRIT PETITION (PIL) NO. 53 of 2021****With****CIVIL APPLICATION (FOR JOINING PARTY) NO. 11 of 2021
In R/WRIT PETITION (PIL) NO. 53 of 2021****With****CIVIL APPLICATION (FOR JOINING PARTY) NO. 22 of 2021
In R/WRIT PETITION (PIL) NO. 53 of 2021****With****CIVIL APPLICATION (FOR JOINING PARTY) NO. 23 of 2021
In R/WRIT PETITION (PIL) NO. 53 of 2021****With****R/WRIT PETITION (PIL) NO. 67 of 2021**

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SUO MOTU
Versus
STATE OF GUJARAT

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Appearance:

SUO MOTU(25) for the Applicant(s) No. 1
GOVERNMENT PLEADER(1) for the Opponent(s) No. 1
MR DEVANG VYAS(2794) for the Opponent(s) No. 1,2,3,4
MR SATYAM Y CHHAYA(3242) for the Opponent(s) No. 5

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CORAM: HONOURABLE MS. JUSTICE BELA M. TRIVEDI
and
HONOURABLE MR. JUSTICE BHARGAV D. KARIA

Date : 15/06/2021

ORAL ORDER
(PER : HONOURABLE MR. JUSTICE BHARGAV D. KARIA)

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1. Heard the concerned learned advocates appearing for the parties. Affidavit of the Under Secretary, Department of Health and Family Welfare, Government of Gujarat pursuant to the directions given by the Court vide order dated 26th May, 2021 is taken on record.

2. Learned Senior Advocate Mr. Percy Kavina representing the Gujarat High Court Advocates' Association submitted that the State Government has not provided the details with regard to schedule of vaccination to be carried out in the State of Gujarat. Reference was made by learned Senior Advocate Mr. Kavina to the earlier affidavits filed on behalf of the State and submitted that though details were given with regard to order placed for vaccines but thereafter no further details are made available by the State as to when and in what quantity vaccines would be received and would be administered to the public at large.

3. Mr. Kavina also submitted that there is no clarity with regard to the time-gap to be kept between two doses of vaccines as it has kept on changing from 6 to 16 weeks and therefore, it would be necessary for the respondent - State Government to come out with clear guidelines about time-gap of two doses of vaccines.

4. Mr. Kavina also submitted that steps taken by the State Government for treating patients of mucormycosis are also not explained in detail in the affidavit filed today.

5. Learned advocate Mr. A.J. Yagnik appearing for the applicants in Civil Application No. 11/2021 and Civil Application No.22/2021 submitted that with regard to vaccination of inmates of Juvenile homes,

Old Age homes, Nari Sangrakshan Gruh etc are concerned, no steps are taken by the State Government for giving them priority except issuing the circular. It was pointed out from the affidavit-in-rejoinder that no actions are taken for vaccination of such persons. Mr. Yagnik also pointed out various issues raised in the Civil Application which are not addressed by the respondent State Government in the affidavit-in-reply filed on record.

6. Learned Advocate General Mr. Kamal Trivedi submitted that pursuant to the observations made by this Court, the State Government has already issued a circular on 21st May, 2021 to give priority to the persons referred to by Mr. Yagnik. It was submitted that the State has taken sufficient steps for vaccination of the public at large and it is an on-going process. It was further submitted that during the course of hearing on 26th May, 2021, it was submitted that the manufacturers of vaccines have not given any schedule for supply of the vaccines and therefore, it is not possible to place such data on record.

7. In view of the above, it is expected that the respondent-State shall take all necessary actions with regard to improvement of health infrastructure in the State of Gujarat considering the likelihood of third wave of pandemic by vigorously following "testing, tracing and treatment" as on today the cases of Covid have reduced and therefore, it would

be easy for administration to trace the contacts, quarantine such contacts and test them and treat them accordingly, so as to see that public at large is saved from the third wave of pandemic which is expected as per the experts' opinion somewhere in October-November 2021. The State Government may place on record the action plan, if any, prepared to meet with the possible third wave.

8. Let all the matters be listed on 2nd July, 2021 to be taken up at 2:30 pm, for hearing of the issues, if any, remaining in the matters.

(BELA M. TRIVEDI, J)

(BHARGAV D. KARIA, J)

RAGHUNATH R NAIR

