

HIGH COURT OF ANDHRA PRADESH : AMARAVATIMain Case: **Writ Petition No.226 of 2021 & batch****(WP (PIL) Nos.226/2020, 77, 85, 86, 87, 88, 89, 91 and 92 of 2021**

PROCEEDING SHEET

Sl. No.	Date	ORDER	OFFICE NOTE
20	07.06.2021	<p><u>KVL, J & DR, J</u></p> <p>Today, when the matter is taken up for hearing, Sri Y.V. Ravi Prasad, learned senior counsel/amicus curie submits that number of black fungus cases have been increased in the State from 1440 to 1777 as on today as seen from the portal which gives the details about the number of cases. He further submits that drug that is being used to treat Mucormycosis (black fungus) Liposomal Amphotericin B is not sufficiently available in the State of Andhra Pradesh.</p> <p>Learned Government Pleader, Mr. C. Suman, submits that the allocation of the subject drug for black fungus is not sufficient to cater to the needs of the patients.</p> <p>Sri N Harinath, learned Assistant Solicitor General filed a memo dated 04.06.2021 on behalf of the Government of India at the last date of hearing. According to the said Memo, Union of India is allocating the said drug to prevent inequitable distribution and hoarding. It is stated that several States are requesting for allotment of higher quantities of the said drug and that depending on the number of patients in a particular State the drug is being allocated. It is also stated that about 13830 injunctions have been allocated to the State of Andhra Pradesh till 31.05.2021. Today, another memo dated 07.06.2021 is filed by the 1st respondent, which states that additional 7770 vials have been allocated to Andhra Pradesh from Mylan Labs on 05.06.2021. It also specifically stated that allocation to various States is reviewed periodically and fresh allocations are being made basing on the number of patients in each State.</p> <p>When a similar issue came up before the Division</p>	<p>Transferred to I.O. Folder. (BO) BSS</p>

	<p>Bench of the Delhi High Court in WP (c) No.3031/2020 & batch on 01.06.2021, Dr.U.B. Das, Senior Chief Medical Officer in the Directorate General of Health Services, Ministry of Health, Government of India, participated in the proceedings and his submission is recorded as follows by the Delhi High Court.</p> <p>“Liposomal Amphotericin B is the drug of choice to treat Mucormycosis (black fungus) and the recommended dosage is 5 mg per Kg (of the body weight) of the said drug. Therefore, for a person weighing 60 Kgs, the patient would require about 300 mg of Liposomal Amphotericin B per day, which translates to six Vials of 50 mg each. The number of vials administered on the patients could vary depending on the body weight, more or less. However, the average comes to about six vials per patient per day. He also states that there is an alternate, namely, Amphotericin B, which has been used to treat Kala Azar for a couple of decades. However, he also states that plain Amphotericin B is Nephrotoxic, i.e., it adversely affects the kidneys and, therefore, the kidney function of the patient - who has been administered Amphotericin B, needs to be monitored. He also states that there is yet another medicine, namely, Posaconazole - which can also be used to treat the patients of Mucormycosis (Black Fungus)”.</p> <p>The subject drug which is allocated by the Union of India to this State is not sufficient to treat the patients of black fungus. In the said scenario, the questions that bother everyone are i) whether it is medically prudent to administer to a patient suffering from Mucormycosis (Black fungus), two vials of the said medicine on a daily basis, if the advised dosage is six vials per day i.e., 300 mg per day; ii) If a patient due to shortage of the said medicine, is allocated only two vials per day, what are the other medications which he could be administered in combination to cure the diseases; iii) If the patient is not administered the full required dosage, is he exposed to progress of the disease; and iv) Whether it would be medically prudent to identify patients who should be given the full doses, even if it is to be at the expense of denying the said drug to another patient, who may need the same, if so, what should be the basis for medical categorization/prioritization of the</p>	
--	--	--

		<p>patients?</p> <p>Learned Assistant Solicitor General furnished a copy of the letter dated 03.06.2021 of the Member, NITI Aayog, addressed to the Director General of ICMR, Ministry of Health & Family Welfare regarding Advisory on treatment & management of Covid-19 associated Mucormycosis (CAM) and important considerations. The summary of the advisory is as follows:</p> <p>*Amphotericin B is available in the following formulations: Lipid compelx/liposomal amphotericin B & Amphotericin B Deoxycholate. They are similar in efficacy, but amphotericin B Deoxycholate is more toxic to the kidneys.</p> <p>*Measures to reduce nephrotoxicity include slow infusion, 500 ml normal saline along with amphotericin B and premedication to avoid infusion reaction.</p> <p>*Amphotericin B Deoxycholate therapy should therefore be administered along with monitoring of kidney functions and electrolyte imbalance.</p> <p>*Liposomal Amphotericin B is to be preferred in patients who have mucormycosis of the brain or in patients who are intolerant to Amphotericin B Deoxycholate.</p> <p>*Injunction posaconazole can be used in case of non availability of amphotericin B or in those patients having severe intolerance to Amphotericin B.</p> <p>*CAM is not associated with the use of oxygen humidifiers or wearing of masks.”</p> <p>Sri Y V Ravi Prasad, learned senior counsel also points out that the black fungus, white fungus and yellow fungus diseases are not the only side effects of post covid and that there are “many more diseases which may develop in such patients after they recover from Covid. He further submits that one such disease is called multi system inflammatory syndrome in children, also called as ‘MIS-N’ in Neonatals. He further submits that this disease causes impairing of heart, lungs and kidneys and therefore in anticipation of these diseases, the State Government would also have to make appropriate preparations for dealing with them.</p> <p>In view of the same, this Court requests the State Government to consider inclusion of the said disease in children in ‘Áryogya sree scheme’. State Government may also consider creating more neonatal and pediatric wards to cater to the situation. We also request the State Government to start awareness campaign to</p>	
--	--	---	--

	<p>acquaint members of public with the cause, effect and preventive measures to be taken to tackle Mucormycosis or black fungus disease.</p> <p>As this pandemic period is likely to go on for some more time, the State Government has to be full equipped with the required man-power to handle the situation. More number of doctors, nurses and paramedical staff are required to handle the situation effectively. As seen from the memo filed by the State Government under Covid Instant Order 80, services of final year MBBS students, final year Nursing students are being taken by paying honorarium of Rs.15000/- to the doctors and Rs.10,000/- to the nurses. The State Government is directed to file a memo of compliance with regard to the Covid Instant Order 80 with all particulars. The said Covid Instant Order only deals with doctors and nurses and it does not deal with the paramedical staff whose services are essential for running Covid Hospitals. The State government is hereby directed to file a memo with regard to steps taken by it with regard to recruitment of paramedical staff. Apart from the final year students of MBBS and Nursing course, there will be many more students who have completed the MBBS, Nursing and Para medical courses and who are waiting to write PG examination or waiting for proper government jobs. The State Government may consider utilizing the services of this category of students also by engaging them on honorary basis, to work in a Covid ICUs with an assurance that the Government shall give preference to those candidates at the time of regular recruitment. Further, there will be many more MBBS students, who have passed their examinations overseas and waiting to write examinations to get permission for practicing/for registration in India. Required Examination have to be conducted to those candidates as expeditiously as possible so that their services can also be utilized during pandemic.</p> <p>Sri Y V Ravi Prasad, learned senior counsel submits that pediatric task force has to function most</p>	
--	---	--

effectively to handle the multi system inflammatory syndrome in children.

Mr. Prabhunath Vasireddy, learned counsel submits that the Government needs to give support to the persons who are preparing alternate medicine.

Sri Suresh Kumar Potturi, learned counsel submits that the Government has to compensate persons who are affected with covid-19.

Sri N Ashwani Kumar, learned counsel submits that the government has to screen the children for multi system inflammatory syndrome.

We are conscious of the fact that there is acute shortage of the subject drug to treat black fungus and that the Union of India is making all efforts to procure the same to meet the requirement.

As the memo filed by the Central Government is not clear with regard to the allocation of the subject drug to different States basing on the number of patients, Union of India is directed to file a status report in this regard by the next date of hearing.

Respondents are directed to file their counter-affidavits in WP (PIL) Nos.88, 91 and 92 of 2021.

List the matter on 10.06.2021 for the response of the State Government and Central Government.

KVL, J

DR, J

Note:

Registry to forward a copy of this order through whatsapp or e-mail to the learned Senior Counsel Sri Y.V. Ravi Prasad and all the other counsels today itself.

(BO)

bss

--	--	--	--