

High Court of Sikkim

Record of proceedings

WP(PIL) No.08 of 2020

Mani Kumar Subba

Petitioner

VERSUS

The State of Sikkim and Others

Respondents

Date : **15-09-2021**

CORAM :

**THE HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, ACTING CHIEF JUSTICE
THE HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, JUDGE**

For Petitioner Mr. Yam Kumar Subba, Advocate.

For Respondents

R-1 to R-3 Mr. Vivek Kohli, Advocate General.
 Ms. Yeshe Wangmoo Rinchhen, Government Advocate.

R-4 to R-6 Ms. Sangita Pradhan, Assistant Solicitor General.

R-7 Mr. Nikhil Nayyar, Senior Advocate.
 Mr. T. R. Barfungpa, Advocate.
 Mr. Jigme Dorjee Bhutia, Advocate.

ORDER

Rai, ACJ

1. While raising the issue of Central Funds provided for combating the Covid 19 Pandemic, Learned Counsel for the Petitioner submits that, in fact, in April, 2020, a Communication had been sent from the Central Government enquiring about the financial requirements of the State Government to which the response was belatedly sent only in the month of August, 2021 by the Respondent, thereby losing precious time. It is suggested by Learned Counsel that in future, should Communication be received from the Central Government, the State Government ought to send an immediate Response with all relevant requirements being placed for the purpose of dealing with the Pandemic.

2. On the issue of Home isolation protocol for Covid 19 patients as raised by the Petitioner, Learned Advocate General submits that measures for Home Isolation in respect of patients who test positive for Covid 19, have now been duly prepared and are complied

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with by the State Government. That, sufficient number of Covid Care Centres have been set up in the State which are provided with all necessary facilities, medical equipment and consumables, as already submitted in WP(PIL) No.06 of 2020 [*In Re: Covid 19 Management*].

3. That, concerns had also been raised about the availability of Oxygen. It is submitted that now, this is not a cause of concern as sufficient provisions have been made, details of which have been submitted in WP(PIL) No.06 of 2020.

4. The Petitioner had also raised the issue with regard to the dedicated TB Ward which had been converted into a Covid Hospital. That, now Level 4 of the New STNM Multi-Speciality Hospital, Sochakgang, East Sikkim, has been converted into a dedicated TB Ward with forty eight beds of which, twenty four are for contagious and the remaining twenty four are for non-contagious patients. That, this is a substantial increase from the number of beds previously available in the independent TB Ward. We find that these submissions have been noted even in the Order of this Court, dated 10.05.2021 *ante*.

5. It is also submitted by Learned Advocate General that Guidelines for the India Covid-19 Emergency Response and Health System Preparedness Package, as set forth by the Government of India is being duly followed by the State Government. That, all necessary funds are being accessed, obtained and utilized by the State Government for management of the Pandemic.

6. The issue of Covid Dedicated Hospital has been submitted in WP(PIL) No.06 of 2020, as also the issues concerning Life Supports, Ambulances and Oxygen supply.

7. The anxiety of the Petitioner with regard to the rates of the RT-PCR Tests has been responded to by the Respondent No.7 vide Affidavit, dated 04.09.2021, wherein it is informed that previously the rates of RT-PCR Tests were fixed at Rs.2,200/- (Rupees two thousand and two hundred) only, now the rates stand at Rs.1,300/- (Rupees one thousand and three hundred)

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only. That, the initial cost for RAT was R.900/- (Rupees nine hundred) only, which has now been reduced to Rs.300/- (Rupees three hundred) only. That, for the RT-PCR Tests, due to an important component in it being expensive, the rates were fixed accordingly, however, once the Testing Kits which were obtained earlier are exhausted, the rates will be reduced further, if found feasible.

8. In view of the above submissions and the observations made by this Court today in WP(PIL) No.06 of 2020 [*In Re: Covid 19 Management*], as nothing further remains for consideration, we accordingly dispose of this Writ Petition with the hope that the State Government will continue to take preemptive and curative strides in the containment of the Covid-19 situation in the State.

9. Writ Petition accordingly stands disposed of, as also I.A. No.01 of 2021.

Judge
15-09-2021

Acting Chief Justice
15-09-2021

ds/jks/ml