

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5609 of 2020

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Parul Prasad, aged about 29 years, (female) W/o Shri Rakesh Prashant,
resident of Bihari Kunj, Makhania Kuan, Patna, P.S. Pirbahore,
District-Patna.

Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Main Secretariat, Patna.
2. The Principal Secretary, Home Department, Government of Bihar, Main Secretariat, Patna
3. The Principal Secretary, Department of Social Welfare, Government of Bihar, Main Secretariat, Patna.
4. The Director General of Police, Government of Bihar, Patna.
5. The Union of India through the Cabinet Secretary, Cabinet Secretariat, New Delhi
6. The Secretary, Department of Home Affairs, Government of Bihar, New Delhi.
7. The NITI Aayog through its Chief Executive Officer, Sansad Marg, New Delhi.
8. The Chief Executive Officer, NITI AAYOG, New Delhi
9. The Director, Social Welfare, Government of Bihar
10. The District Magistrate, Darbhanga
11. The District Magistrate, Patna
12. The Secretary, Disaster Management, Government of Bihar.

.....Respondents.

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Appearance:

For the petitioner/s : Ms. Parul Prasad (in person)

For the State (respondent Nos.1 to 4 and 9 to 12)

: Mr. P. N. Shahi, Senior Advocate
(AAG-6)
Mr. Patanjali Rishi, AC to AAG-6

For the Union of India (respondents 5, 6,7, 8)

: Mr. S. D. Sanjay, ASG
Mr. Ratnesh Kumar, CGC

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**CORAM: HONOURABLE THE CHIEF JUSTICE
AND
HONOURABLE MR. JUSTICE S. KUMAR**

Oral Order

(Per: HONOURABLE THE CHIEF JUSTICE)

3. 23.04.2020

The Secretary, Disaster Management, Government of Bihar is impleaded as Party Respondent No.12. Registrar (List) shall ensure that necessary correction is made in the memo of party.

Mr. P.N.Shahi, learned Additional Advocate General-VI, also appears for the newly added respondent.

The position with regard to appointment of Nodal Officer in terms of communication dated 30th of March, 2020 of the NITI Aayog stands clarified.

Communication dated 1st of April, 2020 (Annexure -3) and 30th March, 2020 (Annexure-1) of the NITI Aayog are not addressed to the States, though communication dated 31th March, 2020 (Annexure-2) that of the Chief Executive Officer, NITI Aayog is addressed to the Chief Secretary (presumably that of the Government of Bihar).

Mr. Shahi, learned Additional Advocate General-VI, states that the said communication dated 30th March, 2020 (Annexure-1) that of the NITI Aayog may not be of binding nature, inasmuch as it has not been issued by the Government of India. He further informs us that the State of

Bihar has promulgated Regulations termed as Bihar Epidemic Diseases COVID-19 Regulations, 2020 and the officers under the said Regulations already stand appointed to deal with all issues and problems arising as a result of the Pandemic (Corona Virus) prevalent in the State of Bihar.

On the other hand, Mr. S. D. Sanjay, learned Additional Solicitor General, is of the view that communication dated 30th March, 2020 (Annexure-1) is of binding nature and in any case, the State must involve and engage the Civil Society in dealing with the current problems.

In view of the aforesaid stand, we only deem it appropriate that the respondents file their response to the averments made in the petition as also supplementary affidavit dated 22.04.2020 filed by the petitioner.

Mr. Shahi, learned Additional Advocate General-VI, states that already there are separate and dedicated Toll Free Help Line numbers dealing with the issues of (i) Orphanage(s); (ii) Old Age Home(s); and (iii) Centre for disabled persons.

Ms. Parul states that in the current times and circumstances, it would be only prudent and appropriate that another Toll Free Help Line number is set up specifically dealing with the problems faced by these Institutions/Sectors.

Well, we are in agreement with such suggestion and as such direct the Principal Secretary, Department of Social Welfare, Government

of Bihar (respondent no.3) to forthwith have separate and dedicated Toll Free Help Line numbers installed for dealing with the problems arising out of the pandemic (Corona-Virus) as may be faced by (i) the Orphanage(s); (ii) Old Age Home(s); and (iii) Centre for disabled persons set up within the State of Bihar.

Mr. Shahi, learned Additional Advocate General-VI states that wider publicity shall be given to newly installed dedicated Toll Free Help Line number(s).

Further Ms. Parul invites our attention to the representations of the Civil Society/NGOs/CSOs (Annexure-12 series) which are yet pending with the authorities.

Having heard the petitioner as also the learned counsel for the respondents, we are of the considered view that interest of justice would be best met, if the State/concerned District Magistrate(s)/Authority(s) are directed to forthwith decide the same. Ordered accordingly. We only hope and expect the said authorities to have the needful done positively by tomorrow, i.e. 24.04.2020.

Further, it stands clarified that it shall be open for any one of the members of the Civil Society/NGOs/CSOs to approach the District Magistrates/authorities constituted under the Regulations, 2020 for rendering all help in the form of material and/or human resource. We are sure that such request shall be considered expeditiously, accounting for all prevalent factors and attending circumstances. There cannot be any

mutual distrust in helping the needy, for after all the Government itself has called upon the general public for rendering help, be it in whatever form.

Registrar General of this Court shall ensure that a copy of all the orders are sent to all concerned, by all modes, as far as possible, but certainly by an electronic mode, during the course of the day. We clarify that such copies be positively sent to (a) the Chief Secretary, Government of Bihar, (b) Principal Secretary, Department of Social Welfare, Government of Bihar, (c) Chairman, District Legal Services Authority (d) Secretary, Disaster Management, Government of Bihar, (e) each one of the District Magistrates of all the Districts in the State of Bihar, (f) petitioner, and (g) learned counsel for the parties for getting the needful done.

List on 27.04.2020.

(Sanjay Karol, CJ)

(S. Kumar, J.)

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