

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CIVIL APPLICATION NO. 7993 of 2022**

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**HARUNBHAI HABIBBHAI SHAIKH****Versus****STATE OF GUJARAT**

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**Appearance:****MR. HEMANG S TRIVEDI(10045) for the Petitioner(s) No. 1****for the Respondent(s) No. 2,3,4,5,6,7****MS DHARITRI PANCHOLI, ASSISTANT GOVERNMENT PLEADER  
for the Respondent(s) No. 1**

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**CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI****Date : 28/04/2022****ORAL ORDER**

1. Heard Mr. Hemang Trivedi, the learned advocate appearing for the writ applicant.

2. Mr. Hemang Trivedi, the learned advocate appearing for the writ applicant submitted that mother of writ-applicant i.e. Najmaben Habibbhai Shaikh was affected by Novel Corona Virus and not doing well due to Covid-19 virus and she was taken to the Respondent No.7 Hospital since the health condition was worsening and hence she was admitted in respondent No.7 Hospital on 12.05.2021 where the H.R. Citi Scan was taken and she was found Covid-19 positive. Copy of admission letter issued by Hospital dated 12.05.2021. Thereafter as per the advise of the doctors of the respondent No.7 hospital, she was mandatorily required to be given Remdesivir injection and informed the writ applicant to submit medical

report/HR Citi Scan report and Aadhar Card copy of Najmaben Shaikh i.e. mother of the writ applicant in the hospital and writ applicant has immediately submitted the same to the respondent no.7 hospital. Thereafter writ applicant was informed by the hospital staff that application for getting Remdesivir injection is made to the General Hospital i.e. respondent No.5 herein and that respondent no.5 shall allot the injection within a short span of time.

2.1 On 13.05.2021 Nodal Officer of Respondent No.5 sanctioned two Remdesivir injection in view of medical reports and Aadhar Card of Najmaben Habibbhai Shaikh i.e. mother of petitioner and the said two injections were collected on the same day by concerned officer of respondent No.7 Hospital from Nodal officer of General Hospital. Since the health condition of Najmaben Shaikh i.e. mother of writ applicant was deteriorating, writ applicant immediately went to meet the concerned doctor and inquired with regard to the availability of Remdesivir injection that when will they give the allotted Remdesivir injection for his mother. Shockingly, the Doctor in reply informed the writ applicant that his mother is required to be kept on Ventilator but they are not having any Ventilator bed available and further informed the writ applicant that no Remdesivir injection is allotted in the name of Nijmaben Shaikh i.e. mother of writ applicant and therefore they cannot do anything further. It is further submitted that due to poor medical treatment

of respondent No.7 Hospital and health condition of mother of writ applicant was deteriorating, writ applicant was having no other option to shift his mother from respondent No.7 hospital to respondent No.5 General Hospital on 13.05.2021 at 08.45 p.m.

2.2 It appears that though the Remdesivir injection was available with the respondent No.7 Hospital as stated by Mr. Hemang Trivedi, the learned advocate appearing for the writ applicant, the said injection was not given to the writ applicant. Shockingly, mother of the writ applicant i.e. Najmaben Shaikh expired on 17.05.2021 due to sever infection in lungs caused by COVID-19. Copy of the death report issued by respondent No.5 General Hospital is duly produced at Annexure-D. Due to poor initial treatment given by respondent No.7 hospital and though Remdesivir injection were allotted in the name of mother of petitioner but not given to the mother of petitioner and thereby infection was increased to the level that it was out of control and ultimately, mother of writ applicant expired. On 26.05.2021, the writ applicant preferred a detailed complaint to District Collector.

2.3 In view of the complaint preferred by the writ applicant, the respondent collector directed the Chief Dist. Health Officer and Chief Dist. Medical officer to inquire into the complaint duly preferred by the writ applicant on 26.05.2021, which is duly produced at Annexure-E. The said communication dated 29.10.2021 to the Deputy Collector is duly produced at Annexure-H. Thereafter on 15.11.2021, Chief Dist.

Health Officer by letter dated 15.11.2021, informed the writ applicant to remain present on 17.11.2021 in the office of Dist. Panchayat to give detailed statement in context of his complaint. On 17.11.2021, the writ applicant give detailed statement to concerned authority and submitted all the necessary documents. Since long time transpired and nothing has been done with regard to the the complaint preferred by the writ applicant as back as on 29.10.2021, petitioner wrote a letter to Dist. Collector on 13.01.2022 and requested to do the needful in the matter. Copy of the letter dated 15.11.2021, Statement dated 17.11.2021 and letter dated 13.01.2022 are duly produced at Annexure I (Colly) of the present writ application.

3. Issue **NOTICE** making it returnable on **16.06.2022**.

Ms. Dharitri Pancholi, the learned Assistant Government Pleader waives service of notice on behalf of the respondent Nos.1 and 3.

In the meantime, the respondent No.3 is directed to file a report with regard to the status of complaint filed by the writ applicant.

Direct service is permitted qua rest of the respondents.

**(VAIBHAVI D. NANAVATI,J)**

Pallavi