

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) PIL No.18607 of 2021

Sanjiv Joshi

....

Petitioner

Mr. Sukumar Patjoshi, Senior Advocate with
Mr. S. K. Nanda, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. M. S. Sahoo, Additional Government Advocate and
Mr. P. K. Parhi, Assistant Solicitor General of India

**CORAM:
THE CHIEF JUSTICE
JUSTICE B. P. ROU TRAY**

Order No.

**ORDER
07.09.2021**

07. 1. One of the central concerns highlighted in this writ petition as explained by Mr. S. Patjoshi, learned Senior Counsel appearing for the Petitioner is the absence of adequate testing facilities for the Covid-19 pandemic in the rural areas in Odisha. Although in response to the order dated 6th July 2021, two affidavits have been filed by the Additional Chief Secretary, Department of Health and Family Welfare, Government of Odisha, one dated 19th July and the other dated 27th July 2021, the following questions remain unanswered:

(i) What is the extent of the availability of health facilities, both public and private, in each of the 30 Districts, including urban and rural areas, in Odisha,?

(ii) How many RT PCR and Rapid Antigen test kits are available in each of the 30 Districts in Odisha?

(iii) How many ASHA workers or other Paramedical staff have been trained in use of RT PCR and Rapid Antigen test kits?

(iv) What is the time lag between the taking of a RT PCR and/or Rapid Antigen test in the rural areas and the availability of the result?

(v) What is the ground reality regarding persons having to pay for an RT PCR and/or Rapid Antigen test test in a private facility in an urban or a rural area and what are the statistics in this regard District-wise?

2. The above questions arise because what has been presented before the Court so far is for the period between 1st March and June, 2021 the District-wise sample testing that has taken place; the positive cases/positivity rates; the distribution of “ambulance utilized for COVID patients transportation” and lastly the number of beds available in the Kalahandi district (as of 7th June, 2021) in the district COVID hospital and 4 other health facilities.

3. The Court would like to understand the ground situation District-wise. As suggested by learned counsel appearing before us, we have decided to select two Districts viz., Kalahandi and Nabarangpur and deal with the statistics relating to both these Districts on the issues highlighted by the Court in para 1 above. The statistics regarding the issues at para 1 (i) to (iv) above will be presented before the Court in the form of an affidavit by the Additional Chief Secretary, Department of Health and Family Welfare, Government of Odisha in consultation with the respective Chief District Medical Officers. The affidavit shall also present a ‘health map’ of each of the abovementioned two

Districts, marking the locations where both public and private health facilities are available and where the RT PCR and rapid Antigen tests can be undertaken. The answers to the questions in para 1 will inform the Court how well the “door step” facility of such RT PCR and rapid Antigen testing through ASHA workers and apra-medical staff is working in these two districts.

4. After the said affidavit is filed by the State, the Court proposes to request the respective District Legal Services Authorities to utilize the services of para-legal workers to report on the ground situation.

5. It requires to be emphasised that all of these steps are with the common objective of improving the health infrastructure in the Districts in Odisha. This petition is purely non-adversarial. Further, the idea is not to focus only on the COVID-19 pandemic and its fall-out, but ensure better preparedness of the system to deal with all virulent diseases.

6. The affidavit of the Additional Chief Secretary, Department of Health and Family Welfare, Government of Odisha be filed not later than 14th September, 2021 with an advance copy to learned counsel appearing for the parties.

7. List on 15th September, 2021. An urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

(B.P. Routray)
Judge