

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL SUO-MOTO PUBLIC INTEREST LITIGATION NO. 1 OF 2020

The Registrar (Judicial),
High Court of Judicature of Bombay,
Bench at Aurangabad.

....**Petitioner.**

Versus

The Union of India and Ors.

....**Respondents.**

Mr. Rajendra S. Deshmukh, Senior Counsel for petitioner (appointed) as amicus curie along with Mr. Akshay Kulkarni & Mr. Amol Joshi, Advocates.

Mr. D.R. Kale, Public Prosecutor for State.

Mrs. Anjali Bajpai-Dube, Advocate for respondent No. 4.

Mr. Sanjiv Deshpande, Advocate for Union of India.

**CORAM : T.V. NALAWADE AND
SHRIKANT D. KULKARNI, JJ.**

DATED : 03/07/2020.

ORDER :

1. Today, learned Senior Counsel Shri. Rajendra Deshmukh submitted that he has prepared the draft of the petition. Hard copy is produced. It is taken on record. Today, the learned Public Prosecutor submitted that he has produced compilation of some papers which contain the necessary directions given by the officers and authorities for preventing the spread of COVID-19 virus. The learned Public Prosecutor submitted that though some actions are being taken against the public servants and against the persons who are not

obeying the orders made by the officers and authority created under the Disaster Management Act, 2005, publicity is not given and that is why there is feeling that the authority is not acting. The learned counsel for Corporation submitted that Corporation has created one mobile application (App) and information is being supplied to the citizens about the availability of the bed etc. for treatment of affected persons. Learned counsel Shri. Sanjeev Deshpande submitted that he is filing appearance for Central Government.

2. This Court wants to go through the compilation produced by the learned Public Prosecutor in respect of the directions given and steps taken. It is a fact that the graph of the affected persons is still ascending in Aurangabad District and alarming situation is created in Aurangabad District. This Court has already observed that only giving direction is not sufficient, the directions need to be actually implemented and the officers issuing directions need to see that the directions are actually implemented and for that he needs to visit the various sites. It appears that recently some officers have started visiting various sites to see that the directions are followed.

3. Learned Senior Counsel Shri. Deshmukh today brought to the notice of this Court that there is still no discipline in public servants and the persons who are asked to discharge the duty under the programme created to fight virus are remaining absent on duty.

He drew the attention of this Court to the news item published in today's newspaper wherein it is informed that the data operator did not resume the duty and the Block Development Officer, who was supervising the work felt helpless and he kept stones at the place where the data operator was discharging the duty. This happened in Dharur, District Beed. It is unfortunate that even when this Court has given necessary directions in that regard, such things are happening. Such persons need to be suspended immediately and if they are appointed on contract basis, contract need to be terminated and criminal action needs to be taken against them. Invariably against every such person such action needs to be taken and things can be corrected only by taking such action. This Court will be going through the record produced by learned Public Prosecutor and on the next date, more exhaustive order will be made and directions will be issued. This Court has expressed that this Court may visit the sites to see that there is discipline in the staff employed in the aforesaid work and they are discharging their duties seriously and there are no lapses whatsoever and the visit will be paid as surprise visit to the hospitals, to the quarantine institutions and even to the isolation wards and the containment zones. This Court is making it clear that if it is found that the persons who are expected to discharge the duty are not present on the spot and due to that the spread of virus is going on, this Court will be giving directions specifically in respect of those persons to register the crime against those persons

immediately and those persons may be of any rank. This Court will not be sparing anyone if such lapses are found.

4. The learned Senior Counsel Shri. Deshmukh is allowed to produce the compilation of the news items showing the negligence of the concerned. As hard copy of the petition is produced, the office is to supply the copy of the petition to all the concerned who have filed the appearance. Similarly the learned Public Prosecutor is expected to supply copy of compilation and the papers produced to the learned Senior Counsel appointed by this Court. Respective counsels for Central Government, Corporation, State waive notice. The lawyers appointed for various respondents need to file their appearance. Stand over to 7.7.2020.

[SHRIKANT D. KULKARNI, J.]

[T.V. NALAWADE, J.]

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