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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3031/2020

RAKESH MALHOTRA

..... Petitioner

Through: In person.

versus

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF
DELHI & ORS.

.... Respondents

Through : Mr. Satyakam, ASC for
R-1/GNCTD with Dr. Nutan Mundeja,
DHS, GNCTD.

Mr. Chetan Sharma, ASG and Mr. Anurag
Ahluwali, CGSC with Mr. Abhigyan
Siddhant, Mr. Sahaj Garg, Mr. Amit Gupta
and Mr. RV Prabhat for Union of India &
ICMR.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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08.09.2020

HEARD THROUGH VIDEO CONFERENCING

CM No. 12106/2020 (for directions)

1. A brief Status Report has been filed by the ICMR placing on record the latest Testing Advisory issued on 04.09.2020. The highlight of the said Advisory is that ICMR has for the first time, recommended testing on demand for all individuals undertaking travel to other countries, Interstate, wherever a negative COVID-19 test is mandated at the point of entry, as also testing by all individuals who wish to get themselves tested. A recommendation has been made to the concerned State Governments to decide if they wish to simplify the modalities of testing.

2. As regards the latest Status Report of the Delhi Government, Mr.

Satyakam, learned ASC states that the Delhi Government is adhering to the testing strategy recommended by the ICMR for proposal of testing by RTPCR and RAT. He states that though the Delhi Government was directed to examine as to whether the necessity of obtaining a prescription from a private doctor for persons who wish to undergo the RTPCR test should be made mandatory/optional or be completely done away with, the same is being mulled over and some more time is required in that regard.

3. We are cognisant of the steep rise in COVID-19 infection in Delhi from 30.08.2020 and find the figures as follows, rather alarming:

Date	Cases
30.08.2020	2,024
31.08.2020	1,358
01.09.2020	2,312
02.09.2020	2,509
03.09.2020	2,737
04.09.2020	2,914
05.09.2020	2,973
06.09.2020	3,256
07.09.2020	3,609

4. The aforesaid data reveals that the number of cases are climbing up sharply, having touched 3,609 on 07.09.2020. We have also examined the tabulated statement filed by the Delhi Government with the Status Report (Annexure-C) that reflects the number of tests undertaken between 28.08.2020 to 05.09.2020. Mr. Satyakam has emailed the data for

06.09.2020 and 07.09.2020 which collectively is as follows :-

COVID-19
Number of tests undertaken

S.No.	Date	Rapid Antigen Detection Test	RT PCR & Similar tests	Total tests in a day
1.	28.08.2020	15406	6595	22001
2.	29.08.2020	13553	6881	20434
3.	30.08.2020	8716	5675	14391
4.	31.08.2020	17037	7146	24183
5.	01.09.2020	20982	7849	28831
6.	02.09.2020	24524	8305	32829
7.	03.09.2020	27733	8488	36221
8.	04.09.2020	29336	9568	38904
9.	05.09.2020	26829	9217	36046
10.	06.09.2020	15150	7804	22954
11.	07.09.2020	35853	10706	45797
Total		235119	88234	325592

5. The aforesaid tabulated statement reveals that besides focussing on testing through RAT, Delhi Government has finally started making an effort to improve testing through RT-PCR and similar tests and the numbers of testing has increased to 10,706, on 07.09.2020.

6. Keeping in mind the spike in the number of COVID-19 cases in Delhi, this court is of the opinion that the situation does not brook any further delay. Therefore, while providing a buffer of additional 2,000 RT-PCR tests besides 10,000 tests to the Delhi Government from out of a total testing capacity of 14,000 through RT-PCR (private sector and public sector combined), it is directed that henceforth, any resident of Delhi who wished to get tested at his/her own expense through RT-PCR for COVID-19 infection, need not produce a prescription from a doctor. The person

concerned would only be required to fill up the form prescribed by the ICMR and produce the Aadhaar Card to establish that he/she is a resident of Delhi. This will however not mean that private laboratories who are receiving samples from the Delhi Government for testing, will be lax in submitting their reports. It is directed that all private laboratories shall prioritise testing RT PCR samples sent to them by the Delhi Government. In the event, Delhi Government sends additional samples for testing through RT PCR to the private laboratories, the same shall also be entertained and reports given without any delay. If Delhi Government faces any difficulty, it shall be free to approach this court for modification of this order.

7. Coming next to the directions issued on the last date of hearing, calling upon the Delhi Government to arrange facilities for testing at all ISBTs and Railway Stations in Delhi, enclosed with the Status Report is Annexure-A wherein it has been stated that testing facilities have been established at ISBT, Sarai Kale Khan, ISBT, Anand Vihar, ISBT, Kashmere Gate, as also at the New Delhi Railway Station, Old Delhi Railway Station and Hazrat Nizamuddin Railway Station. The number of teams deployed at the aforesaid locations is nine in all.

8. Mr. Satyakam, learned ASC submits that now that Indian Railways has started deploying more trains, testing at the Railways Stations shall also increase proportionately.

9. We have enquired from Dr. Mundeja, D.G.H.S., who is present in the hearing as to the number of mobile vans that have been deployed by the Delhi Government for conducting testing at various spots in Delhi. She states that approximately two mobile facilities are available in each district and they are directed to sites where large number of persons congregate as in

subzi mandis, fruit *mandis*, industrial areas, construction sites etc. In view of the recent spike in COVID-19 case in Delhi and the fact that the total number of Containment zones as on 07.09.2020, have shot up to 1114, it is deemed appropriate to direct the Delhi Government to ramp up the mobile van facilities so that at least four such vans are available in each of the 11 districts to be stationed at sites, as may be considered appropriate including near prominent DMRC terminals.

10. Delhi Government shall also prepare a map indicating thereon, the testing facilities that have been set up all over Delhi and provide it to the DMRC for it to be displayed at prominent spots to enable commuters to access the testing sites, closest to their point of exit/entry. This map shall also be uploaded on the website of the Delhi Government for the ready reference of citizens.

11. As for the Sero Surveillance-3 conducted in the month of September, 2020, we are informed that the same had commenced on 01.09.2020 and has concluded yesterday. The said Sero Surveillance-3 has been conducted by the Delhi Government in collaboration with Maulana Azad Medical College. The results of Sero Surveillance-3 that are still being collated, shall be placed on record along with a fresh Status Report to be filed by the Delhi Government, giving an update of the status of testing.

12. List on 16.09.2020.

HIMA KOHLI, J

SUBRAMONIUM PRASAD, J

SEPTEMBER 08, 2020

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