Sr. No.101

HIGH COURT OF JAMMU AND KASHMIR AT SRINAGAR

CJ Court

Case: WP (C)PIL No. 05 of 2021 (Through Virtual mode)

Naseem Qadri& Another

...Petitioner(s)/Appellant(s)

Through: Sh. Syed Musaib, Advocate

v/s

Union of India and others

.... Respondent(s)

Through: Sh. T.M. Shamsi, ASGI for respondent No. 1 Sh. D.C.Raina, Advocate General for respondent Nos. 2 to 4.

HON'BLE THE CHIEF JUSTICE HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER

 Heard Sh. Syed Musaib, learned counsel for the petitioners and Sh.
T.M. Shamsi, ASGI for respondent No.1 and Sh. D.C. Raina, Advocate General for respondent Nos. 2 to 4.

2. This petition in Public Interest seeks a direction for the registration and the vaccination of the prisoners.

3. The argument is that though the prisoners also have a right of life which includes proper medication and protection against Covide-19 pandemic.

4. Sh. Raina submits that the government is conscious of its obligation and appropriate steps are being taken for the vaccination of all the citizens including under-trial as well as convicted prisoners. The prisoners are not going to be left out from vaccination and they would be vaccinated on turn at an appropriate time. 5. A demand to the proper authority is a sine qua non for issuance of writ in the nature of mandamus. But we do not find that the petitioners have approached the appropriate authority so as to bring their concern to their notice for any appropriate action.

6. In view of the above facts and circumstances, we dispose of this writ petition with liberty to the petitioners to submit a comprehensive representation regarding the registration and vaccination of the prisoners to the Director General of Prisons, UT of J&K. In the event, any such representation is submitted, the Director General of Prisons, would consider it and take all possible immediate steps for the registration and the vaccination of the prisoners or may formulate a policy or a scheme so that no inmate of the jail remains unvaccinated.

OSWAL)

JDGE

(PANKAJ MITHAL)

CHIEF JUSTICE

7. The writ petition is disposed of as above.

Jammu 30.04.2021 Tilak