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

Date of decision: 11th May, 2021

+ **W.P.(C) 5263/2021**

JAWAHARLAL NEHRU UNIVERSITY TEACHERS
ASSOCIATION THROUGH: MOUSHUMI BASU &
ORS. Petitioners

Through: Mr. Abhik Chimni, Mr. Lakshay Garg
& Mr. Shashwat Mehra, Advocates
(M- 98684 42108).

versus

JAWAHARLAL NEHRU UNIVERSITY THROUGH: VICE
CHANCELLOR & ANR. Respondents

Through: Ms.Monika Arora, Standing Counsel
with Mr. Shriram Tiwary, Advocate
for R-1.

Mr. Santosh Kumar Tripathi,
Standing Counsel, GNCTD with Mr.
Aditya P Khanna, Advocate.

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through video conferencing.

CM APPL. 16182/2021 (for exemption from filing court fee and attested affidavits)

2. This is an application seeking exemption from filing court fee and duly attested affidavits. Binding the deponent of the affidavit to the contents of the application, the exemption is granted. Insofar as the court fee is concerned, the same be deposited within one week. Application is disposed of. Registry to submit a report in case the court fees is not filed after a month.

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3. The present writ petition has been filed by the Students Union and the Teachers Union at the Jawaharlal Nehru University (*hereinafter*, “JNU”), as also two Professors who teach at the University. The Petitioners are seeking various directions to the Respondents including a direction for setting up COVID care facilities in the University Campus, as also a COVID response team, and certain Oxygen facilities inside the University Campus premises.

4. The case of the Petitioners is that due to the outbreak of the second wave of the COVID-19 pandemic, around the second week of April, the Petitioners wrote a letter to the Registrar of the Respondent University, highlighting the alarming situation due to COVID-19 on the JNU campus, seeking various steps to be taken for controlling the situation. Thereafter, a notification is stated to have been issued on 18th April, 2021, by the Deputy Registrar of the JNU constituting a COVID-10 task force and a COVID-19 response team in JNU. On 18th April, 2021, another letter had again been sent by the Petitioners to the Registrar of JNU, stating the massive surge of the number of positive cases within the JNU campus premises and highlighting the need for urgent steps to be taken. The same was followed up with further letters on 19th April, 2021 to the Vice Chancellor, JNU, and on 23rd April, 2021 to the ADM, New Delhi, requesting immediate intervention for setting up COVID care facilities within the campus.

5. The Petitioners, thereafter, are stated to have contacted the SDM for, setting up of the isolation and quarantine facilities. However, despite repeated letters to the authorities of the University, the Secretary of Ministry of Education, the Secretary of the University Grants Commission etc., no action is stated to have been taken for setting up of a COVID care facility

within the campus premises. Further, repeated letters to the SDM of the area have also not evoked any response. Hence the present petition has been filed.

6. The Petitioners, themselves, are stated to have requested the faculty of Centre for Social Medicine and Community Health, for drawing of plans for COVID care, which has submitted a proper proposal in this respect. Further, there is also a plan which has been devised by the School of Life Sciences, JNU, for producing Oxygen within the campus itself.

7. Mr. Chimni Id. Counsel, appearing for the Petitioners submits that the main grievance of the Petitioners is that administration of the University as also the Govt. Authorities to whom letters were written, have been completely silent to the repeated requests of the Petitioners *qua* setting up a COVID care facility and oxygen production facilities. Accordingly, they have been forced to approach this Court.

8. He submits that the right to life and health of all the residents/occupants in the campus is under severe jeopardy. He further submits that there is no doubt that there is space within the JNU, and the SDM, along with the administration in the JNU, ought to be directed to create a COVID care facility, within which the faculty and the other Departments of the University, are willing to cooperate. Ld. Counsel further submits that the JNU administration is guilty of `dereliction of duty`.

9. Issue Notice. On behalf of the Respondent- JNU, Ms. Monika Arora, Id. Counsel, accepts notice and submits that since she is appearing on an advance copy, she does not have instructions as to what steps have been taken within the University for dealing with the second wave of COVID-19 within the campus. She seeks time to take instructions from the relevant

authorities.

10. Mr. Aditya P. Khanna, Id. Counsel, accepts notice on behalf of the GNCTD and the SDM, and submits that since the entire campus is within the control of the JNU administration, they are unable to do anything. However if the administration permits, they are willing to coordinate with the faculty, students and the administration, in order to set up a COVID care facility, which would be attached to some hospital.

11. Considering the rigour of the current COVID-19 pandemic wave and the correspondence which has been placed on record, there is no doubt that the JNU administration ought to have reacted with swiftness and alacrity. The first letter was sent by the Petitioners i.e., the students and the teachers of JNU to the Administration on 13th April 2021, which shows that it has been almost a month, since they have been following up but the same has completely failed to evoke a response. If this is true, this would constitute gross neglect by the JNU administration in a situation which is completely alarming. The University is bound to take care of the health of the students and teachers, and make available the facilities, to the extent possible, within the University campus, especially considering the prevalent shortages for hospital beds etc., Judicial notice can be taken of the fact that various organisations and institutions have gone out of their way, during the current pandemic, to make various facilities available to their employees and other stakeholders, in order to safeguard their health during the current surge of the COVID- 19 pandemic. The JNU ought not to be an exception in this regard. As per the numbers pleaded in the writ petition, there were total of 74 cases around 18th April 2021 which has increased to 211 as on 7th May 2021. If these figures are correct, there has been a three-fold increase in the

number of cases in just three weeks.

12. In view of the above, the following directions are issued:

- i) The Registrar, JNU to immediately give instructions to the Id. counsel, and file a status report, as to what are the steps taken by the administration of the JNU in respect of the requests made and letters written by the Petitioners to the administration, for dealing with the COVID-19 pandemic situation in the JNU campus since 2020 and especially since 13th April, 2021.
- ii) The Vice Chancellor/Registrar of JNU to also ascertain the necessity and feasibility in respect of creation of the COVID care facility in the JNU campus and file a status report thereof. The report shall also take into consideration the proposals given by the Centre for Social Medicine and Community Health (CSMCH) as also the proposal for in-house production of oxygen, given by the School of Life Sciences. The authorities in JNU to consider if there is any modification required to the said proposals as has been suggested by the students and teachers associations. The modalities for creation of COVID care facility shall be mentioned in the report.
- (iii) The SDM/ADM of the concerned area to also place on record a status report, as to whether such a COVID care facility can be created at JNU, in accordance with the guidelines applicable, and if so indicating the manner in which the doctors and paramedics, as also nurses, would be made available

for the said facility, and whether they would be tied up with any particular hospital, and if so, name the said hospital after obtaining its concurrence.

13. The Registrar of the Respondent University, shall convene a meeting today itself at 5 P.M, chaired by the Vice Chancellor along with the other internal administrative staff as also the concerned SDM/ADM of the area, to work out the formalities and the protocols, in this respect.

14. A second meeting shall also be convened by the Registrar chaired by the Vice Chancellor, other administrative staff, SDM/ADM concerned along with six representatives of the Students and the Teachers Union, as also the departments which have given the proposals, at 11 AM tomorrow, i.e. 12th May 2021, to discuss the said proposals/ letters for setting up of a COVID care facility in the JNU campus. The said meetings can be held through a virtual platform.

15. Let the status reports explaining the feasibility, modalities and timelines for setting up of a covid care centre, preferably with oxygenated beds, as directed, be emailed by both the JNU administration as also the ADM/SDM of the concerned area, to the Court Master by 9 A.M., on 13th May 2021.

16. List on 13th May 2021, at 2:30 PM.

17. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as the certified copy of the order for the purpose of ensuring compliance. No physical copy of orders shall be insisted by any authority/entity or litigant.

PRATHIBA M. SINGH, J

MAY 11, 2021/mw/AK