

Bombay High Court

Yogeeta R. Vanzara vs The Union Of India And 2 Ors on 2 August, 2021

Bench: G. S. Kulkarni

4-PILL.11649.2021+1

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

PUBLIC INTEREST LITIGATION (L) NO. 11649 OF 2021

Yogita R. Vanzara	}	Petitioner
Versus		
Union of India and Ors.	}	Respondents

Mr.Jamshed Master i/b. Mr.Rajesh Vanzara for the petitioner.

Mr.Anil Singh-Additional Solicitor General with Mr.Aditya Thakkar, Mr.D.P.Singh and Mr.Yash Momaya for Union of India.

Mr.A.A. Kumbhakoni-Advocate General with Ms.Purnima Kantharia-Government Pleader and Ms.Geeta Shastri-Additional Government Pleader for State.

Mr.A.Y.Sakhare-Senior Advocate with Mr.Rohan Mirpuray and Ms.K.H.Mastakar for MCGM.

WITH
PUBLIC INTEREST LITIGATION (L) NO. 11264 OF 2021

Siddharth Chandrashekhar	}	Petitioner
Versus		
Union of India and Ors.	}	Respondents

Ms.Anita Castellino with Mr.Siddharth Chandrashekhar, Ms.Nukshinaro Pongen i/b. Mr.Bruno Castellino for the petitioner.

Mr.Anil Singh-Additional Solicitor General with Mr.Aditya Thakkar, Mr.D.P.Singh and Mr.Yash Momaya for Union of India.

Mr.A.A. Kumbhakoni-Advocate General with Ms.Purnima Kantharia-Government Pleader and Ms.Geeta Shastri-Additional Government Pleader for State.

J.V.Salunke, PS

4-PILL.11649.2021+1

Mr.A.Y.Sakhare-Senior Advocate with Mr.Rohan Mirpur
and Ms.K.H.Mastakar for MCGM.

CORAM :- DIPANKAR DATTA, CJ &
G. S. KULKARNI, J.

DATE :- AUGUST 2, 2021

PC :-

1. An affidavit has been filed on behalf of the Union of India. It is stated in such affidavit that the same is being filed in compliance with the Court's order dated 17th July 2021.
2. No affidavit, however, has been filed on behalf of the State in compliance with the said order. Ms.Shastri, learned Additional Government Pleader for the State seeks a week's time to file the requisite affidavit.
3. Our attention has been drawn to the affidavit filed by the Union by Mr.Master, learned advocate for the petitioner in PIL(L)/11649/2021. He has placed various paragraphs of the affidavit to show that the affidavit is silent in regard to compliance of a major part of the directions contained in paragraph 3 of our order dated 17th July 2021.
4. Having read the affidavit filed on behalf of the Union, we are constrained to observe that the deponent of such affidavit has not been serious in reading the Court's order dated 17th July 2021 and in pleading compliance of the directions contained in paragraph 3 thereof. We, therefore, call upon the J.V.Salunke,PS 4-PILL.11649.2021+1 Union to file a better affidavit indicating therein the entire procedure adopted for the vaccines to reach the State of Maharashtra for distribution through suppliers. Let such affidavit be filed by 9th August 2021, with copy to the learned advocate for the petitioners as well as the State. The State shall comply with the order dated 17th July 2021 and file the requisite affidavit in the manner required. Additionally, the affidavit of the State must also deal with any allegation qua the State made in the affidavit to be filed by the Union in terms of this order. The State will have time till 20th August 2021 to file such affidavit.
5. An additional affidavit has been filed by the petitioner in PIL(L)/11264/2021. Annexed to such affidavit are final certificates for COVID-19 vaccination issued in favour of Nirmal Suri, Kavita Vikram Chopra and Vikrambali Shambhunath Chopra. Ms.Castellino, learned advocate for the petitioner submits that the dates of administration of the first dose and the second dose of Covishield vaccine to each of the certificate holders along with the batch number is the same.

According to her, such certificates could be doubted by any person of prudent mind and the certificate holders could be subjected to harassment. Ms.Castellino also submits that efforts to have the date of administration of doses therein to be rectified have failed.

6. We require the Union as well as the State to clarify as to how such defective certificates could be generated and what would be the procedure for having the erroneous entries of administration of doses therein rectified. We also issue a J.V.Salunke,PS 4-PILL.11649.2021+1 general direction that if, in case, in future similar such discrepancies are brought to the notice of the Union and/or the State, immediate steps should be taken to effect rectification of entries in such certificates so that the actual dates of administration of doses are reflected on the final certificates.

7. Referring to Annexure 'D' to the additional affidavit, Ms.Castellino has sought for a direction on the State as well as the municipal authorities to ensure that people who are not registered on CoWIN App but possess other requisite documents are not turned back from the vaccination centres. We require the State to respond to paragraph 4 of the additional affidavit of the petitioner by filing an appropriate affidavit.

8. List the writ petitions for further consideration on 23rd August 2021.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)

PRAVIN
DASHARATH
PANDIT
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PANDIT
Date: 2021.08.03
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J.V.Salunke,PS