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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Decision: 13th 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.

versus

JAWAHARLAL NEHRU UNIVERSITY THROUGH VICE
CHANCELLOR & ANR. Respondents

Through: Ms. Monika Arora, Standing Counsel
for R-1 with Mr. Shriram Tiwary,
Advocate along with Mr. Anirban
Chakraborti, Registrar (JNU).
Mr. Santosh Kumar Tripathi,
Standing Counsel for GNCTD with
Mr. Aditya P Khanna & Mr.
Shashank Tiwari, Advocates for R-2
along with Mr. Ankur Meshram,
SDM.

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)

2. Vide order dated 11th May 2021, this court has already disposed of the present application. Accordingly, no further orders are called for.

W.P.(C) 5263/2021

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, the Petitioners were continuously sending letters to the Registrar of JNU, The Vice Chancellor of JNU as also the ADM/ SDM of the concerned area seeking immediate intervention for setting up COVID care facilities within campus in light of the massive surge of COVID-19 and the number of COVID positive cases within the JNU campus. Aggrieved by there being no response from any of the said authorities, and on any of the concerns raised by the Petitioners, the present petition was filed.

5. Vide the previous order dated 11th May 2021, notice was issued to the Respondents, and the following directions were issued:

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

i) The Registrar, JNU to immediately give instructions to the ld. 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.”

6. Further to the said order, today, four status reports have been received - one each from the Petitioners' association of students and teachers; one on behalf of the SDM of the concerned area; and one on behalf of the Respondent- JNU itself.

7. Mr. Anirban Chakraborti - Registrar, JNU, has also joined the proceedings today. On behalf of JNU, it is submitted that a COVID Task Force has already been set up by the University, consisting of nine members. It is submitted that since the same was constituted on 18th April, 2021, several patients, who contracted COVID-19 and who required hospitalisation, were rendered assistance by the said Task Force which was set up. It is further submitted that there are about 100 volunteers who are attending to telephone calls and emails from asymptomatic/symptomatic patients 24x7, along with the COVID Task Force.

8. The Registrar, JNU, submits that the University has held four testing camps in which 385 persons were found to be positive with COVID-19. These included students, staff members, faculty and the family members of the staff and faculty who reside in the campus. Two vaccination camps have also been held in which over 690 persons have been vaccinated in the age group of 45+ and frontline workers. It is further submitted on behalf of the JNU that the JNU has written several letters to various Ministries in the Delhi Government as also the Ministry of Health and Family Welfare, Union of India, and has also been in touch with the two NGOs including the Art of Living and Khalsa Aid - for tying up with JNU for providing COVID relief.

9. Ms. Arora, Id. Counsel appearing for JNU, also points out that 12 doctors have been taken on the panel and that a medical counselling facility

has also been set up with all their telephone numbers. These doctors are providing tele-consultation to various residents of the JNU campus, around the clock.

10. Insofar as the status report of the SDM is concerned, it has been informed that there are three levels of COVID facilities that exist and have been approved. The relevant table, which is a part of the status report is extracted below:

| <i>Acronym</i> | <i>FACILITY</i> | <i>CASES</i> | <i>LOCATION</i> | <i>OXYGEN</i> |
|----------------|--------------------------------------|--|--|---|
| <i>CCC</i> | <i>COVID Care Centre</i> | <i>Asymptomatic / pre-symptomatic and mild</i> | <i>Hostels, hotels, school, stadiums, lodges etc</i> | <i>No.</i> |
| <i>DCHC</i> | <i>Dedicated COVID Health Centre</i> | <i>Moderate</i> | <i>Full hospital or a separate block in a hospital</i> | <i>Beds with assured Oxygen support</i> |
| <i>DCH</i> | <i>Dedicated COVID Hospital</i> | <i>Severe</i> | <i>Full hospital or a separate block in a hospital</i> | <i>Fully equipped ICUs, Ventilators and beds with assured Oxygen support.</i> |

11. As per the said status report, unless and until there are proper oxygenated beds etc. and doctors and paramedics available around the clock, the only centre that could be set up is a COVID Care Centre, where there is no oxygen which is administered to patients. Such a Centre can cater to asymptomatic, pre-symptomatic and patients with mild symptoms.

12. The SDM, who has joined the proceedings today, submits that he has inspected the infrastructure of the JNU campus, and has informed this court there are guest houses which are available, which can be converted into isolation wards for the residents of the JNU campus.

13. On behalf of the Petitioners, Mr. Chimni, Id. Counsel submits that two proposals have been submitted where the faculty of Centre for Social Medicine and Community Health (CSMCH) have given proposals *qua* the manner in which they can assist in the setting up of the COVID Care Isolation Facility. He further submits that the proposal for manufacture or generation of oxygen, if required, has also been submitted.

14. After hearing the Id. Counsels for the parties, as also the officers of the parties themselves, who have appeared before the Court, as also perusing the status reports, it is clear that the total number of persons residing in the campus residing in the JNU campus are between 12000 – 15000, including students, staff members, faculty and their families. The number of people contracting COVID-19 inside the JNU campus is also quite high. However, there is no covid care facility at all. The medical centre which exists is also a small area with 1 Chief Medical Officer, 2 Medical officers and 2 staff nurses – some of whom are also not currently available. Thus, in case there is a sudden surge, the residents in the campus may face difficulties and there is a need to take further steps apart from what has already been taken by the Covid Task Force and the Covid Response Team.

15. On behalf of the GNCTD, Mr. Tripathi submits that currently, there are sufficient beds in the various hospitals/COVID Care Centres, which are currently vacant. Specific mention is made by Ms. Arora of three facilities which could be tied up with JNU, such as the facility at Chattarpur, which is

being run with the help of ITBP and the Delhi Government, Vishwa Yuva Kendra facility - Teen Murti, New Delhi, as also the facility at the Gurdwara Rakab Ganj Sahib.

16. Considering the above submissions and the fact that the COVID Task Force and the COVID Response Team is already working within JNU campus, the following directions are further issued:

- i) In order to provide for immediate isolation of residents who are tested Covid positive, a '*Covid Care Centre*' be set up inside the JNU. The premises for the same be identified by the COVID Task Force, in consultation with the concerned SDM. This would enable such affected persons to immediately isolate and for their basic parameters to be monitored. In the creation of the isolation facility, if the services of any of the faculty members who are part of the Petitioner association are required, their recommendations/assistance may also be availed of by the COVID Task Force.
- ii) To facilitate the monitoring of the basic parameters of those who are detected positive with COVID-19, if any paramedic/nursing staff are required, the SDM and JNU Task Force shall arrive at a consensus, as to how, the arrangement would be made for paramedic/nursing staff. The doctors on campus also could be empanelled for volunteering, if required, for any patient in the isolation centre;
- iii) Insofar as those patients who may need oxygenated beds are concerned, the JNU Task Force may coordinate with the SDM of the concerned area, as also with the Delhi Government, to identify

as to with which of the above mentioned three facilities or any other facility JNU ought to tie up, so that there is an arrangement which is put in place for residents of the JNU campus, in case they require oxygenated beds or any ICU facility;

iv) Insofar as the creation of a dedicated '*COVID Health Centre*' with oxygenated beds in JNU is concerned, the feasibility, requirement and the necessity of the same may be discussed and deliberated upon by the COVID Task Force with the SDM of the concerned area and Delhi Govt. If any tie up needs to be created with any hospital in the vicinity, the same shall also be identified and the terms and conditions thereof would also be mentioned in the status report.

17. Let the status report in compliance with the above directions be filed at least one day before the next date of hearing. It is expected that the students and the faculty association, as also the administration of JNU, would work together for the betterment of the residents and students of the JNU campus and shall not take any adversarial measures against each other.

18. List on 28th May, 2021. If any of the parties wish to seek any further directions, they are given liberty to approach the Court.

19. 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.

PRAITHIBA M. SINGH
JUDGE

MAY 13, 2021/*Rahul/Ak*