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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3169/2020 and CM Nos. 11023/2020 and 11024/2020**

UNITED NURSES ASSOCIATION THROUGH
ITS PRESIDENT Petitioner

Through: Mr Subhash Chandran K.R.,
Advocate.

versus

UNION OF INDIA AND ORS. Respondent

Through: Ms Maninder Acharya, learned ASG
with Mr Jasmeet Singh, CGSC and
Mr Viplav Acharya, Advocate for
Union of India.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **18.05.2020**

1. The petitioner has filed the present petition, *inter alia*, praying as under:

- "i. Issue a writ/order/direction in the nature of mandamus or any other appropriate writ / order directing Respondent No.1 to 3 to strictly follow the Standard Operating Protocol (SOP) for movement of Indian nationals stranded outside the country issued by Respondent No.1 vide Order No 40-3/2020-DM-I(A) dated 05.05.2020 and/or;
- ii. Issue a writ/order/direction in the nature of mandamus or any other appropriate writ / order directing Respondent No.1 to 3 to bring back listed 56 pregnant healthcare workers who are stranded outside the country with highest priority as all of them are in serious distress and need immediate medical as well as psycho-socio support; and/or;
- iii. Issue a writ/order/direction in the nature of mandamus or

any other appropriate writ / order directing Respondent No.1 to 3 to schedule special chartered flight from Saudi Arabia for bringing back pregnant women including listed 56 health care workers who are stranded outside the country with highest priority; and/or;

- iv. Issue a writ/order/direction in the nature of mandamus or any other appropriate writ / order directing Respondent No.1 and 3 to provide adequate medical as well as psychosocio support through Indian Missions to the pregnant women who are stranded and unable to travel back to India due to technical reasons; and/or;”

2. Ms Acharya, learned ASG appearing for the Union of India submits that the guidelines issued by the Ministry of Home Affairs expressly stipulates that priority will be accorded to “*compelling cases in distress, including migrant workers/labourers who have been laid off, short term visa holders faced with expiry of visas, persons with medical emergency/pregnant women/elderly, those required to return to India due to death of family member, and students.*” She further states that this guideline would be strictly followed. The respondents are bound down to the aforesaid statement.

3. In view of the above, the petitioner’s first prayer is satisfied. Insofar as the petitioner’s prayer that directions be issued to respondent nos. 1 to 3 to schedule special chartered flight from Saudi Arabia for bringing back pregnant women including listed 56 health care workers who are stranded outside the country is concerned, this Court does not consider it apposite to issue any direction that further flights be scheduled as steps have been taken towards the said end. It is expected that the Government would take all necessary steps, within the limitation of the resources available, to operate

flights to bring back Indian citizens who are stranded overseas.

4. This Court also observes that it is necessary to ensure within the category of persons who are to be accorded priority, a higher priority be accorded to persons who are in medical distress *vis-à-vis* persons who are otherwise hale and hearty but are stranded due to the expiry of their visa or other reasons.

5. No further orders are required to be passed in this petition. The petition is disposed of. The applications are also disposed of.

MAY 18, 2020
RK

VIBHU BAKHRU, J