

BDP-SPS

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

**PIL-CJ-LD-VC-16-2020**

Kamaljeet Singh Sandhu (in person) .... Petitioner.

V/s

State of Maharashtra and Ors. ....Respondents

Mr.Kamaljeet Singh Sandhu, petitioner in person.

Mr. A.A.Kumbhkoni, Advocate General with Ms. P.H.Kantharia  
Government Pleader with Ms. Jyoti Chavan AGP with Mr.  
Manish Upadye, AGP for Respondent-State.

Mr. Anil C. Singh, ASG, a/w Mr. Sandesh Patil and Mr. D. P.  
Singh for the Union of India.

**CORAM: DIPANKAR DATTA, CJ. &  
S. S. SHINDE, J.**

**DATE: JUNE 12, 2020**

**P.C.:**

1] The Petitioner appears in person. He has referred to the pleadings and submitted that the Respondents may be directed to constitute a Committee of Experts comprising of doctors from all the three fields of medicine, viz. Allopathy,

Ayurveda and Homeopathy, and on the basis of the recommendations to be made by such committee, to conduct trials on COVID-19 patients. According to him, not only would precious human lives be saved but also spread of the pandemic could be prevented by trying the combination of medicine or drug that may be suggested by the committee.

2] Mr. Kumbhkoni, learned Advocate General for the State of Maharashtra has placed before us orders dated May 13, 2020 and May 14, 2020 to contend that a Committee was indeed formed by the State comprising of specialist doctors from the field of Ayurveda, Homeopathy and Unani and such committee having submitted its recommendations, the same were accepted and a further Government Order dated June 8, 2020 has been issued detailing the guidelines to be adopted for treatment as well as preventing the spread of the pandemic. According to Mr. Kumbhkoni, in view of such circulars/order, nothing survives for decision insofar as prayer clause (a) of the PIL Petition is concerned.

3] So far as prayer clause (b) is concerned, it is the submission of Mr. Kumbhkoni that whether to conduct trial or not must be left to the decision of the experts and no mandamus is required to be issued in this regard.

4] Mr. Singh, learned Additional Solicitor General appearing for the Union of India has referred to a Notification dated

April 2, 2020 issued by the Ministry of Ayush, Government of India constituting an “Interdisciplinary Ayush Research and Development Task Force” for initiating, coordinating and monitoring research development activities in the AYUSH Sector related to SARS-Cov-2 virus and the COVID-19 disease. According to him, the Task Force is working on the terms of reference and would be coming up with a report shortly.

5] The aforesaid guidelines/circulars having been brought to the notice of the Petitioner, it was submitted by him that the inmates of Correctional Homes, if tested positive, may be administered the medicine or drug suggested by the Committee formed by the State.

6] We are afraid, the aforesaid suggestion of the Petitioner does not commend to us to be acceptable. It is neither for the Petitioner nor for the Court to suggest on whom trials should be conducted. If at all, any trial is to be conducted, the same is in the realm of a policy decision and must be left to the appropriate authority in the Government to decide on its next course of action. In regard to policy matters, unless violation of a Fundamental Right is demonstrated or an abrogation of a statutory provision is established, the Constitutional courts ought to stay at a distance is the settled law.

7] For the foregoing reasons, we are of the considered opinion that this PIL Petition does not warrant to be entertained; accordingly, the same stands dismissed.

8] This order will be digitally signed by the Sr. Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

**S. S. SHINDE, J.**

**CHIEF JUSTICE**