

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA**LD-VC-CW-270-2020**

Dr. Aquaviv Fernandes. Petitioner.

Versus

State of Goa and others. Respondents.

Mr. Nigel De Costa Frias, Advocate for the Petitioner.

Mr. D.J. Pangam, Advocate General with Ms. Maria Correia Adl.
Govt. Advocate for the Respondents No.1 to 3.

Mr. Wilber Menezes, Advocate for Respondent No.4.

Ms. Neha Shirodkar, Advocate for the Respondent No.5.

Mr. Raunaq Rao, Advocate for Respondent No.6.

**Coram : M.S. Sonak &
Smt. M.S. Jawalkar, JJ.****Date : 4th January, 2021.****P.C. :-**

Heard Mr. Nigel Costa Frias for the Petitioner. Mr. D. Pangam appears along with Ms. Maria Correia, the learned Additional Govt. Advocate for Respondents No.1 to 3, Mr. Wilber Menezes for Respondent No.4, Ms. Neha Shirodkar for Respondent no.5 and Mr. Raunaq Rao for the Respondent no.6.

2. The learned Counsel for the parties point out that most of the

issues raised in this Petition are also subject matter of Suo Motu Writ Petition (Civil) No.7/2020 pending before the Hon'ble Supreme Court. Mr. Costa Frias, however, points out that the issue of rates for COVID tests is not the subject matter of the proceedings before the Hon'ble Supreme Court. He, therefore, submits that the present petition be entertained, at least, in so far as this particular issue is concerned.

3. The learned Advocate General points out that the State Hospitals/Agencies are carrying out the COVID tests free of charge and the rates which the Petitioner impugns relate only to private hospitals. He, therefore, submits that if any persons find the rates unaffordable, it is always open to such persons to avail of the Government facilities - free of charge.

4. Since, most of the issues raised in this Petition are subject matter of the suo motu writ petition pending before the Hon'ble Supreme Court, it will not be appropriate for this Court to adjudicate upon the very same issues. The submission/statement made by the learned Advocate General in relation to the rates for COVID tests, to a substantial extent redresses the grievance on this issue, as well.

5. In any case, it is always open to the Petitioner to seek appropriate judicial recourse in the proceedings pending before the

Hon'ble Supreme Court.

6. Accordingly, by accepting the statement made by the learned Advocate General, we dispose of this Petition, leaving open all the legal remedies to the Petitioner.

7. This Petition is, accordingly, disposed of in the aforesaid terms.

8. There shall, however, be no order as to costs.

Smt. M.S. Jawalkar, J.

M.S. Sonak, J.