

ITEM NO.8

COURT NO.11

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 1220/2021

RACHANA GANGU & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION and IA No.144140/2021-EXEMPTION FROM FILING
AFFIDAVIT)

Date : 29-08-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Petitioner(s) Mr. Colin Gonsalves, Sr. Adv.
Ms. Hetvi Patel, Adv.
Mr. Satya Mitra, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

It is submitted that 18-years-old daughter of the petitioner No. 1 received first dose of Covishield Covid-19 vaccine on 29.05.2021 and lost her life on 19.06.2021. On the other hand, 20-years-old daughter of the petitioner No. 2 received the first dose of Covishield Covid-19 vaccine on 18.06.2021 and she lost her life on 10.07.2021. It is submitted that after vaccination, the deceased girls suffered from severe Adverse Effects Following Immunization ('AEFI'). The petitioners had made representations to the authorities concerned which had not been adequately replied. The only response to the petitioner No. 2 by the Senior Manager,

Clinical Research and Pharmacovigilance Department, Serum Institute of India Pvt. Ltd., Pune had been that the Covid-19 infection was considered as the cause of Multisystem Inflammatory Syndrome; that Covishield does not contain SARS-CoV-2 virus and cannot cause Covid-19 infection; and that vaccine is not known to cause Multisystem Inflammatory Syndrome.

The petitioners have prayed for the following reliefs: -

"1. Issue a writ of mandamus or any other appropriate writ, order or direction appointing an expert medical board, independent of the Government, to forthwith inquire into and investigate into the deaths of the daughters of Petitioners No. 1 & 2, and to share the report of the autopsy and investigation with the petitioners in a time-bound manner;

2. Issue a writ of mandamus or any other appropriate writ, order or direction directing the above appointed expert medical board to prepare a protocol for early detection of and timely treatment for the AEFI due to the Covid-19 vaccine such as the ones that led to the deaths of the daughters of Petitioners No. 1 & 2; and

3. Issue a writ of mandamus or any other appropriate writ, order or direction directing the Respondents to grant significant monetary compensation to the Petitioners No. 1 & 2, which will be donated by the Petitioners to organizations working on social issues."

Though, ordinarily we would have considered relegating the petitioners to the appropriate regular remedies because the matter might involve determination of certain basic questions of fact so as to bring it within the four-corners

of a case of medical negligence but, having regard to the post-mortem report filed with the additional documents, the submissions that the Government has not responded to the petitioners' representations, and the nature of reliefs claimed, it appears appropriate to call upon the respondents to reply.

Hence, issue notice.

(NEETA SAPRA)
COURT MASTER (SH)

(RANJANA SHAILEY)
BRANCH OFFICER