

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**W.P. (C) No.262 of 2022**

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M/s. Dr. S. Sharan's Testing Center, Ranchi ..... Petitioner.  
-Versus-  
The State of Jharkhand & Ors. .... Respondents.  
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**CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR**

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For the Petitioner : Mr. Sumeet Gadodia, Advocate  
For the State : None  
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**Order No.02**

**Date: 01.02.2022**

This case is taken up through video conferencing.

Mr. Sumeet Gadodia, learned counsel for the petitioner, submits that by the impugned order, as contained in memo no.42(HSN) dated 20<sup>th</sup> January, 2022 (Annexure-8 to the writ petition) passed by the respondent no.1 to the extent that rate of RT-PCR Test chargeable by private laboratories in the State of Jharkhand, including rate for home visit for collection of samples has been re-fixed. Learned counsel for the petitioner refers to the order dated 13<sup>th</sup> April, 2020 passed by the Hon'ble Supreme Court in the case of ***Shashank Deo Singh Vs. Union of India & Ors., reported in (2020)5 SCC 134***, and submits that the Hon'ble Supreme Court, while modifying the earlier order dated 8<sup>th</sup> April, 2020 passed in the said case, has clearly observed that the private laboratories can continue to charge the payment for testing of Covid-19 from persons, who are able to make payment of testing fee as fixed by the ICMR. Subsequent to the said order, the Director General, ICMR, while keeping in view that the upper limit of Rs.4,500/- earlier advised vide letter dated 17<sup>th</sup> March, 2020 may not be applicable by then, has issued advisory to the State Governments/Union Territories and others vide letter dated 25<sup>th</sup> May, 2020 to negotiate with private labs and fix up mutually agreeable prices for samples being sent by the government and also for private individuals desirous of testing by these labs.

Learned counsel for the petitioner further submits that re-fixation of rate of RT-PCR Test chargeable by private laboratories in the State of Jharkhand, including rate for home visit for collection of samples vide impugned order dated 20<sup>th</sup> January, 2022 is an unilateral decision and the same is not commercially viable for the petitioner, which is a private laboratory. He also refers to the earlier order passed

by the respondent no.1 in this regard, as contained in memo no.495 (HSN) dated 14<sup>th</sup> December, 2020, and submits that the rate fixed for the aforesaid testing was though quite low, yet the petitioner and other similarly situated laboratories did not protest the same. Hence, the petitioner at least may be permitted to charge the rate fixed for the aforesaid testing in terms with the order dated 14<sup>th</sup> December, 2020 and this Court may direct for keeping the impugned order dated 20<sup>th</sup> January, 2022 passed by the respondent no.1 in abeyance till disposal of the writ petition.

No one appears on behalf of the respondent-State.

Jharkhand State Bar Council has circulated its resolution vide a letter under Ref. No.479/2022 dated 31<sup>st</sup> January, 2022 to this Court that all the advocates of Jharkhand will stay away from court's works on 1<sup>st</sup> February, 2022 i.e. today, as mark of solidarity and to demand expeditious legislation for protection of the advocates.

Considering that no one appears on behalf of the respondent-State of Jharkhand, put up this case under appropriate heading on 7<sup>th</sup> February, 2022.

**Sanjay/**

**(Rajesh Shankar, J.)**