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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION No. 1820 of 2021

**IN THE MATTER OF:**

Mr. Nelson Paulo Fernandes & Another

.....Petitioners

Versus

The State of Goa & Ors.

.....Respondents

COUNTER AFFIDAVIT ON BEHALF OF ANSWERING  
RESPONDENT NO. 6 (MINISTRY OF HEALTH & FAMILY  
WELFARE, GOVT. OF INDIA)

I, Satyendra Singh, S/o Sh. Phool Singh, aged about 41 years, working as Under Secretary COVID Vaccination Administration Cell in the Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi do hereby solemnly affirm and sincerely state as follows:

1. That, I am well acquainted with the facts of the case from the records. I am filing this Counter Affidavit on behalf of the Ministry of Health & Family Welfare, Govt. of India, as I am authorized to do so.



*Sat Singh*

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- 2. I have perused the Writ Petition of the petitioner and I deny the averments made therein, except those that are specifically admitted hereunder.
- 3. I humbly submit that, the Petitioner has filed this writ petition seeking directions predominantly as against the State Government. However, since we are also made a party, I am filing this counter affidavit.
- 4. That, it is humbly submitted by the Answering Respondent No. 6 that, instead of traversing various allegations para-wise, this respondent deems it appropriate to counter the whole set of the facts in this matter as follows:

It is submitted that in the Writ Petition the petitioner has prayed the interim prayer as follows: -

*"1. For an appropriate Writ, order or direction, thereby quashing the circular dated 13/07/2021 issued by respondent no. 2 (Director, Directorate of Education, Govt of Goa).*

*For an appropriate Writ, order or direction, thereby directing the respondent no. 1 and 2 (State of Goa and Director, Directorate of Education, Govt of Goa) to consider the petitioner's representations dated 30/07/2021 and 11/08/2021 and to issue a corrigendum*



*Sakrigh* 08 OCT 2021

thereby making the vaccination by the teaching and non-teaching staff voluntary.

3. For an interim relief, staying the operation of circulars dated 16/07/2021, 28/07/2021 and 16/08/2021 thereby directing the respondent No 2 and 3 (Headmistress, Little Flower of Jesus High School) not to take any coercive measures/actions against the petitioners pending the hearing and final disposal of petition.
4. For ex parte relief in terms of prayer clause 3. "
5. It is further humbly submitted that the matter has been examined and from the prayer (at para 1, 2 & 3 above) and the statements of the petitioner in the writ petition, it is evidently clear that the grievances of the petitioner in the prayer is related to the Departments of State Government of Goa (Respondent No. 1 and 2).
6. That, it is further humbly submitted that the annexures as mentioned in the Writ Petition by the petitioner have been issued by the Departments under State Government of Goa.



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*Shriyath*

7. That, it is further submitted that the subject matter of the present Petition does not fall within the domain of the Answering Respondent No. 6 (Union of India).
8. That, it is further humbly submitted that however, since this matter is related to vaccination, and Union of India is the respondent no. 6; thus, it is pertinent to present the stand of Union of India with regards to vaccination. It is humbly submitted that vaccination for Covid-19 is a matter of social obligation and is of a larger public interest. As a responsible citizen looking to contribute in the nation and humanity's fight against the Pandemic of Covid-19 infection, it is natural that every person would get her/himself vaccinated against Covid-19 so as to prevent the spread of Covid-19 infection in the community.
9. That, it is further humbly submitted that the directions and guidelines released by Government of India and Ministry of Health and family Welfare, do not entail compulsory or forcible vaccination against COVID-19 disease implying that COVID-19 vaccination is completely voluntary for all citizens of India. Ministry of Health and Family Welfare, Government of India has not formulated or suggested any policies for discrimination between



*Sabirgh*

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citizens of India on the basis of their vaccination status.

10. That, it is duly advised, advertised and communicated by MoHFW through various print and social media platforms that all citizens should get vaccinated, but this in no way implies that any person can be forced to be vaccinated against her/his wishes.

11. That, as per the existing guidelines, there is no provisions for forcing any citizen to book appointment for Covid Vaccination on Co-WIN or visiting Covid Vaccination Center for vaccination. if a person above the age of 18 years visits a Covid Vaccination Centre by her/his choice for vaccination and asks for the same, it implies that she/he is voluntarily coming to the center to get the benefit of Covid Vaccination.

12. Therefore, it is humbly submitted that in order to prevent the transmission and spread of Covid-19 pandemic, it is expected that all responsible citizens especially the teachers who are also the role models and influencers for the society get themselves vaccinated as soon as possible against Covid-19 and meticulously follow Covid Appropriate Behaviour.



*Sub Singh*  
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13. Prayer:

It is therefore most humbly prayed that, this Hon'ble Court may be pleased to admit this Counter Affidavit on behalf of Answering Respondent No. 6 (Union of India) on this petition for the ends of justice.

Identified by *M.P. Shukla*

*Satyendra Singh*  
DEPONENT

(सत्येन्द्र सिंह)  
(SATYENDRA SINGH)  
अवर सचिव / Under Secretary  
स्वास्थ्य एवं परिवार कल्याण विभाग  
Ministry of Health & Family Welfare  
भारत सरकार / Govt. of India  
नई दिल्ली / New Delhi

**VERIFICATION:**

Verified at New Delhi on October 08, 2021 that the contents of this affidavit are true and correct to the best of my knowledge and belief and no part of it is false thereof, and no material fact has been canceled therefrom.

*Satyendra Singh*  
DEPONENT

(सत्येन्द्र सिंह)  
(SATYENDRA SINGH)  
अवर सचिव / Under Secretary  
स्वास्थ्य एवं परिवार कल्याण विभाग  
Ministry of Health & Family Welfare  
भारत सरकार / Govt. of India  
नई दिल्ली / New Delhi



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M. P. SHUKLA  
Notary Public, Delhi

CERTIFIED THAT THE DEPONENT  
Shri/Sm/Km. *Satyendra Singh*  
S/o, W/o, D/o, Sh. *Devendra Singh*  
Identified by *M.P. Shukla*  
has solemnly sworn on *21/10/2021*  
that the contents of the affidavit are true and correct to the best of his knowledge and belief and no part of it is false thereof, and no material fact has been canceled therefrom.

*M.P. Shukla*  
M. P. SHUKLA  
Notary Public, Delhi