

BECHU KURIAN THOMAS, J.

W.P.(C) No.7984 of 2021

Dated this the 8th day of June, 2021

This writ petition projects the case of the petitioner's five month old son, blighted by a rare disease called 'Spinal Muscular Atrophy'. This rare disease has no treatment other than by administering a single dose of the costliest drug in the world by the name 'Onasemnogene'. The cost of the said medicine is a staggering Rs.16 to 18 crores, for one dose. The prayer in the writ petition is to direct the respondent State to import the said life-saving drug and to provide necessary medical treatment to the petitioner's son, who is presently on the ventilator in the Government Medical College Hospital, Kozhikode. The learned Government Pleader opposes any directions to be issued of the nature sought for, without placing the appropriate pleadings in that behalf.

2. On a perusal of the records of this case, I find that a statement has been filed on behalf of the 4th respondent on 12.05.2021. A glance at the said statement shows that the same is not sufficient for considering the issues involved in this case

especially due to the repercussions that may ensue on various stakeholders. I am of the view that this is a fit case where the attention of the Principal Secretary of the first respondent as well as the 2nd respondent are to be seriously bestowed upon. As a welfare State, various aspects are required to be borne in mind, including the efficacy of the drug, its staggering cost, the treatment protocols, the possibility of crowd-funding that can be raised for funding purchase of the medicine, etc. Accordingly, there will be a direction to respondents 1 and 2 to file a counter-affidavit in detail, as early as possible, not later than 28.06.2021.

List the case on 29.06.2021.

Sd/-
BECHU KURIAN THOMAS, JUDGE

RKM