

**IN THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI
CIVIL ORIGINAL JURISDICTION
WRIT PETITION CIVIL NO _____/2021**

IN THE MATTER OF:-

**YASMIN KATARIA AND ANR
(Through Guardian namely Shalu Kataria)**

... PETITIONERS

VERSUS

GOVT OF NCT OF DELHI AND ORS

... RESPONDENTS

INDEX

SL.NO.	PARTICULARS	PAGE NO.
1.	Urgent Application	1
2.	Notice of Motion with Proof of Service	2-5
3.	Memo of Parties	6-8
4.	List of Dates and Events/Synopsis	9-12
5.	Writ Petition Under Article 226 Of The Constitution Of India, 1950 In The Nature Of Mandamus Or Certiorari Or Any Other Appropriate Writ/ Order Or Direction Seeking Expediously Implementation Of Various Schemes As Floated By The Respondent No.1 To Respondent No. 4, Inter Alia, For Providing The Compensation/Ex Gratia Amount And Other Benefits To The Families especially Children Who Lost Soul Bread Earner On Account Of Death Due To Lack Of Supply Of	13-49

	Oxygen During The Covid-19 Pandemic 'Second Wave'	
6.	Annexure P-1 Aadhar Card of the Natural Guardian of the Petitioner's	50
7.	Annexure P-2 (Colly) ID Card of the Petitioner's	51-52
8.	Annexure P-3 Patient Bill Summary as issued by the Jaipur Golden Hospital	53
9.	Annexure P-4 Copy of the Order as passed by the Hon'ble High Court in WP 5867/2021 dated	54-55
10.	Annexure P-5 Copy of Email's as exchanged between the Guardian and the Respondent No.1	56
11.	Interim Application bearing CM Application No. _____ of 2021 Miscellaneous Application under section 151 of the Code of Civil Procedure for exemption from filing Certified Copy of the Annexure along with the supporting Affidavit	57-59
12.	Interim Application bearing CM Application No. _____ of 2021 Miscellaneous Application under section 151 of the Code of Civil Procedure for exemption from	60-63

	filing Duly Attested Copy of the Affidavit	
13.	Interim Application bearing CM Application No. _____ of 2021 Application For An On Behalf Of The Petitioner Under Section 151 Of Cpc Seeking Direction To The Respondent No.1 To Respondent No.5 To Re-Imburse The Educational Fees/Expenses As Carried Out By Petitioner For The Education Of The Petitioner Before The Respondent No.6	64-67
14.	Vakalatnama	68-69
15.	Proof of Service	70

Filed by:

DELHI

PETITIONERS THROUGH GUARDIAN

BY

DATED: 10.06.2021


BHARAT MALHOTRA AND SIDDHANT SETHI
ADVOCATES

For the Petitioner's
8/29, L.G.F.East Patel Nagar
New Delhi-110008
+91-8447151507 / +91-9811672784
siddhantraisethi@gmail.com
bharatmal2@gmail.com

IN THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI
CIVIL ORIGINAL JURISDICTION
WRIT PETITION CIVIL NO _____/2021

IN THE MATTER OF:-

YASMIN KATARIA AND ANR

(Through Guardian namely Shalu Kataria)

... PETITIONERS

VERSUS

GOVT OF NCT OF DELHI AND ORS

... RESPONDENTS

URGENT APPLICATION

To,
The Registrar
Hon'ble High Court of Delhi
New Delhi
Sir,

Would you kindly treat the accompanying Writ Petition as an urgent one in accordance with the High Court Rules and order's. The grounds of urgency are mentioned in the accompanying Petition/Application.

Thanking you

Filed by:

DELHI

PETITIONERS THROUGH GUARDIAN

BY

DATED: 10.06.2021


BHARAT MALHOTRA AND SIDDHANT SETHI
ADVOCATES

For the Petitioner's
8/29, L.G.F East Patel Nagar
New Delhi-110008
+91-8447151507 / +91-9811672784
siddhantraisethi@gmail.com
bharatmal2@gmail.com

**IN THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI
CIVIL ORIGINAL JURISDICTION**

WRIT PETITION CIVIL NO _____/2021

IN THE MATTER OF:-

YASMIN KATARIA AND ANR

(Through Guardian namely Shalu Kataria)

... PETITIONERS

VERSUS

GOVT OF NCT OF DELHI AND ORS

... RESPONDENTS

NOTICE OF MOTION

To

Govt of NCT Of Delhi

Respondent No.1 and 3

Respected Sir,

This is to inform you that the above-mentioned Writ Petition is being filed by me in the Registry of the Hon'ble High Court. Please receive a copy of the above said Petition. The Petition is likely to come up for hearing through Video Conference before the Hon'ble High Court on **11.06.2021**, on which date you may kindly be present in the Hon'ble Court to assist the Court.

Thanking you

Filed by:

DELHI

PETITIONERS THROUGH GUARDIAN

BY

DATED: 10.06.2021

**BHARAT MALHOTRA AND SIDDHANT SETHI
ADVOCATES**

For the Petitioner's

8/29, L.G.F East Patel Nagar

New Delhi-110008

+91-8447151507 / +91-9811672784

siddhantraisethi@gmail.com

bharatmal2@gmail.com

**IN THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI
CIVIL ORIGINAL JURISDICTION**

WRIT PETITION CIVIL NO _____/2021

IN THE MATTER OF:-

YASMIN KATARIA AND ANR

(Through Guardian namely Shalu Kataria)

... PETITIONERS

VERSUS

GOVT OF NCT OF DELHI AND ORS

... RESPONDENTS

NOTICE OF MOTION

To

Union of India

Respondent No.2 and 4

Respected Sir,

This is to inform you that a Writ Petition is being filed by me in the Registry of the Hon'ble High Court. Please receive a copy of the above said Petition. The Petition is likely to come up for hearing through Video Conference before the Hon'ble High Court on **11.06.2021**, on which date you may kindly be present in the Hon'ble Court to assist the Court.

Thanking you

Filed by:

DELHI

PETITIONERS THROUGH GUARDIAN

BY

DATED: 10.06.2021



**BHARAT MALHOTRA AND SIDDHANT SETHI
ADVOCATES**

For the Petitioner's

8/29, L.G.F East Patel Nagar

New Delhi-110008

+91-8447151507 / +91-9811672784

siddhantraisethi@gmail.com

bharatmal2@gmail.com

**IN THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI
CIVIL ORIGINAL JURISDICTION**

WRIT PETITION CIVIL NO _____/2021

IN THE MATTER OF:-

YASMIN KATARIA AND ANR

(Through Guardian namely Shalu Kataria)

... PETITIONERS

VERSUS

GOVT OF NCT OF DELHI AND ORS

... RESPONDENTS

NOTICE OF MOTION

To

GOVT. OF NCT OF DELHI

THROUGH

THE LIEUTENANT GOVERNOR

Respected Sir,

This is to inform you that the above-mentioned Writ Petition is being filed by me in the Registry of the Hon'ble High Court. Please receive a copy of the above said Petition. The Petition is likely to come up for hearing through Video Conference before the Hon'ble High Court on **11.06.2021**, on which date you may kindly be present in the Hon'ble Court to assist the Court.

Thanking you

Filed by:

DELHI

PETITIONERS THROUGH GUARDIAN

BY

DATED: 10.06.2021

**BHARAT MALHOTRA AND SIDDHANT SETHI
ADVOCATES**

For the Petitioner's

8/29, L.G.F East Patel Nagar

New Delhi-110008

+91-8447151507 / +91-9811672784

siddhantraisethi@gmail.com

IN THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI
CIVIL ORIGINAL JURISDICTION

WRIT PETITION CIVIL NO _____/2021

IN THE MATTER OF:-

YASMIN KATARIA AND ANR

(Through Guardian namely Shalu Kataria)

... PETITIONERS

VERSUS

GOVT OF NCT OF DELHI AND ORS

... RESPONDENTS

NOTICE OF MOTION

To

AIR FORCE GOLDEN JUBILEE INSTITUTE

Email Id- principal.afgji@gmail.com

Respondent No.6

Respected Sir,

This is to inform you that the Writ Petition is being filed by me in the Registry of the Hon'ble High Court. Please receive a copy of the above said Petition. The Petition is likely to come up for hearing through Video Conference before the Hon'ble High Court on **11.06.2021**, on which date you may kindly be present in the Hon'ble Court to assist the Court.

Thanking you

Filed by:

DELHI

PETITIONERS THROUGH GUARDIAN

BY

DATED: 10.06.2021



**BHARAT MALHOTRA AND SIDDHANT SETHI
ADVOCATES**

For the Petitioner's

8/29, L.G.F East Patel Nagar

New Delhi-110008

+91-8447151507 / +91-9811672784

siddhantraisethi@gmail.com

IN THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI
CIVIL ORIGINAL JURISDICTION
WRIT PETITION CIVIL NO _____/2021

IN THE MATTER OF:-

YASMIN KATARIA AND ANR

(Through Guardian namely Shalu Kataria)

... PETITIONERS

VERSUS

GOVT OF NCT OF DELHI AND ORS

... RESPONDENTS

MEMO OF PARTIES

YASMIN KATARIA (Minor)

D/o Late Shri Dinesh Kataria

Having the Residential Address at

WZ-758 1/3C Naraina

New Delhi

Through her Guardian namely, Mother

Mrs. Shalu Kataria

W/o Late Shri. Dinesh Kataria

Having the Residential Address at

WZ-758 1/3C Naraina

New Delhi

Email- s_tan11@yahoo.co.in

Mobile No- +91-9773904376

: PETITIONER NO.1

RUBEN KATARIA (Minor)

S/o Late Shri Dinesh Kataria

Having the Residential Address at

WZ-758 1/3C Naraina

New Delhi

Through his Guardian namely, Mother

Mrs. Shalu Kataria

W/o Late Shri. Dinesh Kataria

Having the Residential Address at

WZ-758 1/3C Naraina

New Delhi

Email- s_tan11@yahoo.co.in

Mobile No- +91-9773904376

: PETITIONER NO.2

VERSUS

GOVERNMENT OF NCT OF DELHI

Through its Secretary

Delhi Secretariat

3rd, IP Estate

New Delhi

: RESPONDENT NO.1

UNION OF INDIA

Through its Secretary,

Ministry of Health and Family Welfare

Nirman Bhawan, New Delhi

: RESPONDENT NO.2

DELHI COMMISSION FOR PROTECTION OF CHILD RIGHTS

Through its Chairman

Govt. of NCT of Delhi,

5th Floor, ISBT Building

Kashmere Gate,

New Delhi -110006

Email-dcpcr@hotmail.com;

delhichildrightscommission@gmail.com

: RESPONDENT NO.3

THE NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS

Through its Chairman

5th Floor, Chanderlok Building,36 Janpath, New Delhi-110001

Fax:011-23724026

Email: cp.ncpcr@nic.in

: RESPONDENT NO.4

GOVT. OF NCT OF DELHI

THROUGH

THE LIEUTENANT GOVERNOR

Raj Niwas Marg & Rajpur Road

New Delhi

Email- pstolg.delhi@nic.in

: RESPONDENT NO.5

AIR FORCE GOLDEN JUBILEE INSTITUTE

Through its Board of Governors/Principal
Air Force Educational and Cultural Society
Subroto Park
New Delhi-110010
Email Id- principal.afgji@gmail.com

: RESPONDENT NO.6
(PERFORMA PARTY)

Filed by:

DELHI

PETITIONERS THROUGH GUARDIAN

BY

DATED: 10.06.2021


BHARAT MALHOTRA AND SIDDHANT SETHI
ADVOCATES

For the Petitioner's
8/29, L.G.F East Patel Nagar
New Delhi-110008
+91-8447151507 / +91-9811672784
siddhantraisethi@gmail.com
bharatmal2@gmail.com

IN THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI
CIVIL ORIGINAL JURISDICTION

WRIT PETITION CIVIL NO _____/2021

IN THE MATTER OF:-

YASMIN KATARIA AND ANR

(Through Guardian namely Shalu Kataria)

... PETITIONERS

VERSUS

GOVT OF NCT OF DELHI AND ORS

... RESPONDENTS

LIST OF DATES AND EVENTS

DATE	EVENT
2013-14	Petitioner No. 1 got admission in Respondent No. 6 School and is studying there till date.
2019-20	Petitioner No. 2 got admission in Respondent No. 6 School and is studying there till date.
18.04.2021	Father of the Petitioners being COVID-19 Positive was got admitted to Jaipur Golden Hospital on assurance of best treatment and resources upon his health needing advanced care owing to oxygen (SpO2) deficiency.
18.04.2021- 24.04.2021	On the advice of doctor and due to the sudden worsening to the health of the Father of the Petitioner's, the Family of the Petitioners got Sh. Dinesh Kataria, admitted to Jaipur Golden Hospital and was also put on Oxygen Support at the time of admission and it was assured by the Hospital that being the Private Healthcare Institute is equipped with all necessary medical infrastructure.
24.04.2021	The Father of the Petitioner and the Husband of the Guardian, left for heavenly abode, due to Lack of Oxygen Supply as the Father of the Petitioner was provided very minimal Support of Oxygen as there was no Oxygen Remaining with the Jaipur Golden Hospital which led to his death. In addition to the same, the Medical Director of the

	<p>Jaipur Golden Hospital went on record and also stated, "As many as 20 patients died on Friday night and more than 200 lives are currently at stake due to lack of oxygen at Delhi's Jaipur Golden Hospital in Rohini, Medical Director D K Baluja has informed." And there are other admissions to this effect.</p>
25.04.2021	<p>That the Petitioner's family was still in a shock and was in the state of feeling remorseful and penitent post listening to the untimely demise of the Father of the Petitioner's, on the next day the Petitioners also lost their Grand Mother</p>
25.04.2021 to Present	<p>XXII. Moreover, in the recent days, the Petitioners have learnt that Respondent No.1 to Respondent No.4 had floated various schemes to grant Compensation to the Families who lost their Sole Earner or for the benefit of small children who lost their parents and to family of persons who died to due to Covid-19 or due to lack of Oxygen, however same are not implemented till date as per knowledge of the Petitioner.</p> <p>That the Petitioner has also learnt that other schemes such as, the Respondent No.2, announcing a number of welfare measures for children orphaned by the COVID-19 pandemic, including a corpus of Rs 10 lakh whose interest they will receive as a stipend for five years when they turn 18 followed by the handing over of the principal, as well as administrative and financial support for their education coupled with the fact that If the child is admitted in a private school, fees as prescribed under the Right to Education Act norms will be given from the PM-CARES fund, and it will also pay for expenditure on uniform, text books and notebooks along side for higher education, children will be assisted in obtaining an education loan for professional courses or higher education in India according to existing norms. The interest on this loan will be paid from the PM-CARES fund.</p>

	<p>For many like Petitioner's, who have lost their family's sole breadwinner, there has been no monetary relief or ex-gratia from the Respondent No.1 to Respondent No.5, till date. However, even in cases where there is some financial relief announced, no help of any sort or any application forms or the statuses have been announced thereafter or any update of securing the benefits as per schemes despite having been close to 40 days.</p>
04.06.2021	<p>A group of People who lost their Loved One's during the Intervening night of April 23rd to April 24th, 2021, due to lack of Oxygen has also challenged and sought to Quash the One Sided Report dated 2nd of May 2021 which was made by the committee which was appointed by the Respondent no.1 & the one sided Report was challenged before this Hon'ble Court, though not by Petitioners so far and this Hon'ble Court was pleased to issue notice to the Respondent No.1, No.2 and Respondent No.6 for 20.08.2021 in WP (C) No. 5867/2021 and the matter is sub-judice before this Hon'ble Court.</p>
06.06.2021	<p>It is stated that in and around Last Week of April 2021, the Natural Guardian of the Petitioner, was informed for Payment of Fee through an Online Link on the Website of the Respondent No.6, inter alia, for the Payment of the Fees, On April 28th, 2021, the Guardian of the Petitioner vide an Email wrote to the Respondent No.6, inter alia, requesting for the fee waiver of the Petitioner's as the condition of the Guardian of the Petitioner is not in a greatest of the shapes as the Petitioner's lost the only earning livelihood member of the Family and now Guardian of the Petitioner has to take care of the existing family members.</p> <p>Consequentlyvide Email dated June 6th, 2021, the Said Request of the Guardian of the Petitioner was</p>

	turned down by Respondent No.6, consequently to the fear of getting the name struck off from the roll of records of the petitioner, the Guardian on 8th of June 2021, deposited the fees, Rs. 6205/- per month for Petitioner No.1 and Rs. 5385/- per month for Petitioner No.2 on an online platform as provided over by Respondent No.6.
June 2021	<p>That the claim in the present petition is to seek a Limited direction to an extent of issuing of directions to the Respondent no.1 to Respondent No.5 to expeditiously implement the various schemes as floated by the Respondent No.1 to Respondent No.5 and the Present petition has been preferred in the most exigent of circumstances. The petitioners as entitled by law shall seek compensation, damages or any other entitled remedy under law for the untimely and preventable death of their father in addition to any scheme floated/to be floated by the respondents or otherwise. The petitioner's as advised or as they deem fit shall seek appropriate remedy available under law to them against the parties responsible for the death of their father</p> <p>HENCE THE PRESENT PETITION</p>

Filed by:

DELHI

PETITIONERS THROUGH GUARDIAN

BY

DATED: 10.06.2021


BHARAT MALHOTRA AND SIDDHANT SETHI
ADVOCATES

For the Petitioner's
8/29, L.G.F East Patel Nagar
New Delhi-110008
+91-8447151507 / +91-9811672784
siddhantraisethi@gmail.com
bharatmal2@gmail.com

IN THE HIGH COURT OF DELHI AT NEW DELHI
ORIGINAL CIVIL WRIT JURISDICTION
CIVIL WRIT PETITION No. _____ OF 2021.

IN THE MATTER OF :-

YASMIN KATARIA (Minor)

D/o Late Shri Dinesh Kataria
Having the Residential Address at
WZ-758 1/3C Naraina
New Delhi

**Through her Natural Guardian namely, Mother
Mrs. Shalu Kataria**

W/o Late Shri. Dinesh Kataria
Having the Residential Address at
WZ-758 1/3C Naraina
New Delhi

Email- s_tan11@yahoo.co.in
Mobile No- +91-9773904376

: PETITIONER NO.1

RUBEN KATARIA (Minor)

S/o Late Shri Dinesh Kataria
Having the Residential Address at
WZ-758 1/3C Naraina
New Delhi

**Through his Natural Guardian namely, Mother
Mrs. Shalu Kataria**

W/o Late Shri. Dinesh Kataria
Having the Residential Address at
WZ-758 1/3C Naraina
New Delhi

Email- s_tan11@yahoo.co.in
Mobile No- +91-9773904376

: PETITIONER NO.2

VERSUS

GOVERNMENT OF NCT OF DELHI

Through its Secretary
Delhi Secretariat
3rd, IP Estate
New Delhi

: RESPONDENT NO.1

UNION OF INDIA

Through its Secretary,
Ministry of Health and Family Welfare
Nirman Bhawan, New Delhi

: RESPONDENT NO.2

DELHI COMMISSION FOR PROTECTION OF CHILD RIGHTS

Through its Chairman
Govt. of NCT of Delhi,
5th Floor, ISBT Building
Kashmere Gate,
New Delhi -110006
Email-dcpcr@hotmail.com;
delhichildrightscommission@gmail.com

: RESPONDENT NO.3

THE NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS

Through its Chairman
5th Floor, Chanderlok Building, 36 Janpath, New Delhi-110001
Fax:011-23724026
Email: cp.ncpcr@nic.in

: RESPONDENT NO.4

**GOVT. OF NCT OF DELHI
THROUGH
THE LIEUTENANT GOVERNOR**

Raj Niwas Marg & Rajpur Road
New Delhi
Email- pstolg.delhi@nic.in

: RESPONDENT NO.5

AIR FORCE GOLDEN JUBILEE INSTITUTE

Through its Board of Governors/Principal
Air Force Educational and Cultural Society
Subroto Park
New Delhi-110010
Email Id- principal.afgji@gmail.com

**: RESPONDENT NO.6
(PERFORMA PARTY)**

**WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA, 1950 IN THE NATURE OF
MANDAMUS OR CERTIORARI OR ANY OTHER
APPROPRIATE WRIT/ ORDER OR DIRECTION
SEEKING EXPEDITIOUSLY IMPLEMENTATION OF
VARIOUS SCHEMES AS FLOATED BY THE RESPONDENT
NO.1 TO RESPONDENT NO. 4, INTER ALIA, FOR
PROVIDING THE COMPENSATION/EX GRATIA AMOUNT
AND OTHER BENEFITS TO THE FAMILIES ESPECIALLY
CHILDREN OF SOLE BREAD EARNER ON ACCOUNT OF
DEATH DUE TO LACK OF SUPPLY OF OXYGEN DURING
THE COVID-19 PANDEMIC 'SECOND WAVE'**

*The Petitioner's through their Natural Guardian, above-named,
most Respectfully submit as follows-*

A. Petitioner's

1. That the Petitioner No.1 is a Minor and a Student of Class VII (7th Standard) bearing Admission No as 11252 and similarly,

the Petitioner No.2 is also a Minor and a student of Class II (2nd) with an Admission No 13401 respectively studying at Respondent No. 6 school. That both the Petitioners, i.e., Petitioner No.1 as well as Petitioner No.2 are siblings and being represented through their Natural Guardian, i.e., the mother, namely Ms. Shalu Katatia.

2. That the Guardian along-side the Petitioners are the Citizen of India and also have the Deepest of the Respect and Faith in Judiciary System of the Country. That the Petitioners through their Guardian i.e. mother are preferring the Present Writ Petition, *inter alia*, seeking Expediously Implementation of the various schemes, if any, as floated by the Respondent No.2 to Respondent No.5 to Provide the Compensation coupled with Monthly Sustenance Allowance to Bereaved Sole Earning Single Parent and to Provide Free Education to their Children's and Monthly Stipend to the families, who lost the Sole Earning Member of a Family on Account due to lack of Supply of Oxygen.

B. Respondents

3. That the Respondents No. 1 is the Government of National Capital Territory of Delhi and are responsible for Providing the Public Health and Services; hospitals and dispensaries in the city as per the Entry 6, List II-State List, Seventh Schedule

of the Constitution of India and for child protection and for the benefits of women and child including Providing Education.

4. The Respondent No.2 is the Union of India through Ministry of health and Family Welfare and are responsible for providing basic and best healthcare facilities to the residents/citizens.
5. That the Respondent No.3 has been constituted under the Commission for Protection of Child Act, 2005 and it act as a statutory ombudsman of the Respondent No.1 on matters of Child Right, including the Right of Education along with protecting other child rights as well coupled with performing and discharging of functions and Responsibilities relating to formulating of Policies and carrying out ancillary work.
6. That the Respondent No. 4 is the National Commission for protection of child rights is an Indian Statutory body established by an act of Parliament, the commission works under the aegis of Ministry of Women and Child Development. The Commission's mandate is to ensure that all laws, Policies, programmes and Administrative Mechanisms are in consonance with the child prospective as enshrined in the Constitution of India.

7. That the Respondent No.5 is the Constitutional Head of the National Capital Territory of Delhi.

8. That the Respondent No.6, is a Performa Respondent to the Present Writ before this Hon'ble Court and Respondent No.6 one of the Most Reputed Name in the Educational Field, Located at Subroto Park, New Delhi. The Respondent No.6 is one of the Leading Public School as run by the Indian Air Force Educational and Cultural Society and at present, an Integrated Group of Around 2179 Students coupled with 91 Students with Special Needs are receiving Education from it. That Respondent No.6 is a Performa party as no fault or Lapse is being committed by the Respondent No.6.

C. Brief Facts

9. The facts leading to the filing of the present Petition are as under:
 - I. That the Petitioner No.1 and Petitioner No.2, took admission in the Respondent No.7 School in and around 2013-2014 and 2019-2020 respectively through their father. At Present the Petitioner No.1 is studying in Class VII and Petitioner No.2 is presently studying at Class II and also the Petitioners are bright students which can also be accomplished by seeing their Past

Academic Report and also can be ascertained by the Respondent No.7.

- II. That the Natural Guardian, Mother namely Mrs. Shalu Kataria was married to Mr. Dinesh Kataria and Shri Dinesh Kataria was the Only Earning Member in the family and was working with a private company and was paying and taking care of all the expenses pertaining to the Education of the Petitioners coupled with meeting expenses of Household and other ancillary Expenses of family consisting of children, wife and old aged parents. Pertinently, the father of the Petitioner, was working in a Private Company, very Limited Death Benefits were provided by the Employer which is even otherwise not sufficient to meet the family expenses for few years and there is also a Bank Loan standing against the Property which is also to be paid.
- III. That Despite the Fullest of the Precautions taken, the Father of the Petitioners tested Positive for the Novel Covid-19 purportedly in the Second Wave of Covid-19.
- IV. That on 18th of April 2021, on the advice of doctor and due to the sudden worsening to the health of the Father of the Petitioner's, the Family of the Petitioners got Sh. Dinesh Kataria, admitted to Jaipur Golden Hospital and was also put on Oxygen Support at the time of admission and it was assured by the Hospital that being

the Private Healthcare Institute is equipped with all necessary medical infrastructure.

- V. However, Petitioners have learnt later on that there was shortage of supply of Oxygen in few Hospitals including Jaipur Golden Hospital through media reports, whereas, there was no intimation by the Management of Jaipur Golden Hospital was communicated to the Petitioners for making alternate arrangements or any intimation about shortage of oxygen. If the Management of Jaipur Golden Hospital had informed about the Non-Availability or Lack of Oxygen, Petitioners might have either shifted the patient to some other Hospital or arranged oxygen cylinders. Hence, Jaipur Golden Hospital was negligent in performing their duties and as such the Petitioners through their Guardian reserves their legal right to take appropriate action against the Jaipur Golden Hospital separately as warranted under law and this Petition is being filed without prejudice to the rights of filing or initiating any appropriate proceedings including of Grant of Damages/Compensation against Jaipur Golden Hospitals and Respondent No.1 to No.2 on account of Lapses committed by them.
- VI. Unfortunately, on 24th of April 2021, the Father of the Petitioner and the Husband of the Guardian, left for heavenly abode, due to Lack of Oxygen Supply as the

Father of the Petitioner was provided very minimal Support of Oxygen as there was no Oxygen Remaining with the Jaipur Golden Hospital which led to his death.

- VII.** In addition to the same, the Medical Director of the Jaipur Golden Hospital went on record and also stated, “As many as 20 patients died on Friday night and more than 200 lives are currently at stake due to lack of oxygen at Delhi’s Jaipur Golden Hospital in Rohini, Medical Director D K Baluja has informed.” And there are other admissions to this effect.
- VIII.** Even otherwise there is an admission by the Respondent No.1 to Respondent No.2 before various media and even in the proceedings before the Hon’ble Supreme Court as well as before the Hon’ble High Court of Delhi, *inter alia*, citing inadequate supply of oxygen to Few Hospitals are leading to the deaths of the patients.
- IX.** That the Petitioner’s family was still in a shock and was in the state of feeling remorseful and penitent post listening to the untimely demise of the Father of the Petitioner’s, on the next day the Petitioners also lost their Grand Mother on April 25th, 2021
- X.** Now the Petitioners are survived by their Local Guardian, i.e the Mother and Grand Father, who is a senior Citizen, so the Petitioner’s Guardian is the Only Person to look after the Petitioner and Grandfather.

- XI.** That the Petitioner's Guardian is 36 years old and holds a B.Com Degree and at present the Guardian is not working and there is no chance as of now in view of the fact, that the Mother has to take care of the Father in Law, as well as, who is a senior citizen.
- XII.** Petitioners submit before this Hon'ble Court that with great dismay that in recent cases, the death of Some Patients having the novel corona-virus have been merely due to the lack of Oxygen Supply and the said deaths, being preventable, cannot be directly attributed to Covid-19 as most of the Covid-19 patients who have been provided Oxygen Support have been able to survive and as such the shortage of oxygen is the actual and proximate cause of deaths of people in such cases including the Father and Grand Mother of the Petitioner's, however in order to avoid any issues, providing Oxygen Support to Admitted Patients is the Liability and Responsibility of Hospitals and other concerned authorities. However, Petitioner is avoiding any specific averment in the Present Petition about the degree of Negligence of Respondent No.1 and No.2 & the Jaipur Golden Hospital as this Present Petition before this Hon'ble Court has been filed with a limited relief of expediting the release of grant of compensation as per the schemes as announced by Respondent No.1 to Respondent No.4 for the victims alike to the Petitioners.

Pertinently, Petitioners are reserving their right to initiate appropriate proceedings as well as for Damages as warranted in law without any prejudice by filing the present petition.

- XIII.** That it is the constitutional and legal obligation of the Hospitals, Respondent No.1 to Respondent No.2 to provide medical care to the residents and to protect their right to life. That there are numerous reports of death of Covid-19 patients due to lack of oxygen or medicines in few hospitals, particularly, who cannot foresee the shortage or got over admissions or to take adequate steps to meet this kind of contingency, including lapses by Respondent No.1 to No.2.
- XIV.** That the Petitioners submit with greatest respect before this Hon'ble Court that the Hospital, Respondent No.1 and Respondent No.2 were unprepared with respect to supply of Oxygen and the said fault can also be attributed to the Respondent No.1 to Respondent No.2 besides the Jaipur Golden Hospital. It is stated by the Petitioners that the death of the Father of the Petitioner's is not due to the Novel Corona Virus but due to the lack of Supply of the oxygen and treatment as offered by the Jaipur Golden Hospital, for which the Petitioners are reserving their right to take appropriate recourse separately as under the ambit of law against the Jaipur Golden Hospital, as in the Present Petition, Relief

is only sought for announcement and expeditiously implementation of the schemes as floated by the government for Covid-19 Victims and for their children welfare.

- XV.** That many Preventive Actions were taken by all the concerned authorities but there were couple of areas which was not even imagined or taken control over by the Hospitals, Respondent No.1 to Respondent No.2, as the Respondent No.1 to Respondent No.2, miserably failed to make appropriate arrangement for building Oxygen Plants in the City or to ensure interrupted supply of Oxygen, needless to say Hospitals were also at fault , since the present petition is limiting only to relief qua the Implementation of the Schemes as flouted by the Respondent No.1 to Respondent No.5, however, Petitioners reserves their right to initiate appropriate proceedings against the Respondent No.1 to Respondent No.5 if required or in other proceedings.
- XVI.** That the Petitioners through their Guardian submits before this Hon'ble Court that in the battle of shifting responsibility of supplying/off- taking of oxygen, lives of citizens, including the father. The protection of the lives of citizens, including the Father of the Petitioners coupled with the Entire Population is paramount in times of a National Crisis and the responsibility falls on

Hospitals alongside also on both the Respondent No.1 and No.2.

- XVII.** That the Father of the Petitioners was the sole earning member of the family and after his demise the family is struggling for their basic needs. Due to inaction and failure of the Respondents a large number of children, including the Petitioners have become bereaved single parent.
- XVIII.** It is very unfortunate that the right to health which is an integral part of Right to Life guaranteed under Article 21 of the Constitution of India has been violated by the Respondents. Catenas of Judgments of the Hon'ble Supreme Court have casted responsibility upon the State to protect the Right to Life under Article 21 which encompasses the Right to Health. The health of a citizen is a basic human right and creates a legal obligation on the State to ensure access to timely, acceptable and affordable health care. The constitution envisages establishment of a welfare State and in a welfare State the primary duty of the State is to protect the life of citizens by providing adequate health care. It is submitted that numerous data is available showing that the petitioners have lost their nears and dears in the pandemic of Covid-19 due to shortage of medical facilities and most importantly due to inaction of the Respondents No.1 to 2. The Respondents No.1 to 2 are

under Legal and Moral Obligation to ensure no-one dies due to Non-Supply of Oxygen.

- XIX.** The Right to Health is an integral part of the right guaranteed under Article 21 of the Constitution of India, it is the obligation of all the authorities to make the best possible efforts to provide medical treatment to all those who are infected with COVID-19.
- XX.** It is stated by the Petitioners through their Guardian, that the Hon'ble Supreme Court in **The State of Andhara Pradesh versus M/s Linde India Limited**, held that 'Medical Oxygen IP' and 'Nitrous Oxide IP' are 'drug' within the meaning of Section 3(b)(i) of the Drugs and Cosmetics Act 1940 as a result of which, it was the responsibility of Respondent No.1 to Respondent No.2 to ensure that the oxygen is supplied to hospitals in Delhi.
- XXI.** Oxygen has been well classified as a drug, being medical gas by various nations including USA, where oxygen is classified as a drug, CAS registry number 0007782-44-7. It is the fundamental duty of the state to protect the right to life and health and is a fundamental right of a citizen to have his life and health protected by the Respondent No.1 and Respondent No.2. Ipso facto, it was the duty of the Hospital, the Respondent No.1 and Respondent No.2 to provide the petitioner's father with adequate drugs being Medical Grade Oxygen

which the Respondent No.1 and Respondent No.2 coupled with Jaipur Golden Hospital simply failed to do so.

XXII. Moreover, in the recent days, the Petitioners have learnt that Respondent No.1 to Respondent No.4 had floated various schemes to grant Compensation to the Families who lost their Sole Earner or for the benefit of small children who lost their parents and to family of persons who died due to Covid-19 or due to lack of Oxygen, however same are not implemented till date as per knowledge of the Petitioner, the various examples of such schemes are as mentioned below-

- **□50,000 compensation for families whose sole breadwinner died due to Covid-19- As floated by Delhi Administration**

The Link to which can be accessed at <https://www.hindustantimes.com/india-news/will-give-rs-50-000-to-family-who-faced-covid-19-death-announces-kejriwal-101621336169100.html>

- **The Delhi Government on 14th of May 2021 had also announced free education for all children who lost earning member of family/Parent and a monthly Stipend till attainment of 25 years of age, the link of which can be accessed at**

<https://www.hindustantimes.com/education/news/delhi-government-to-provide-free-education-to-kids-who-lost-parents-to-covid-101620988139775.html>

- **Centre working on packages for those who lost sole breadwinner, orphaned children,**

Accessible at

https://economictimes.indiatimes.com/news/india/centre-working-on-packages-for-those-who-lost-sole-breadwinner-orphaned-children/articleshow/82985618.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst

<https://www.livemint.com/news/india/centre-announces-measures-to-support-families-who-lost-earning-member-to-covid-11622298859325.html>

- **Centre Announces Pension Schemes For Families Who Have Lost Earning Member To COVID-19,** accessible at

<https://www.republicworld.com/india-news/general-news/centre-announces-pension-schemes-for-families-who-have-lost-earning-member-to-covid-19.html>

- **National Family Benefit Scheme as floated by Respondent No.2,** accessible at

<https://transformingindia.mygov.in/scheme/national-family-benefit-scheme/>

- **The Delhi government has decided to give compensation up to ₹5 lakh to families of Covid-19 patients who died due to lack of oxygen, as floated by Respondent No.2 and Respondent No.3.**

The Link to which can be accessed at

<https://www.livemint.com/news/india/delhi-govt-to-give-rs-5-lakh-compensation-to-kin-of-those-who-died-due-to-oxygen-shortage-11622169352617.html>

XXIII. That the Petitioner has also learnt that other schemes such as, the Respondent No.2, announcing a number of welfare measures for children orphaned by the COVID-19 pandemic, including a corpus of Rs 10 lakh whose interest they will receive as a stipend for five years when they turn 18 followed by the handing over of the principal, as well as administrative and financial support for their education coupled with the fact that If the child is admitted in a private school, fees as prescribed under the Right to Education Act norms will be given from the PM-CARES fund, and it will also pay for expenditure on uniform, text books and notebooks along side for higher education, children will be assisted in obtaining an education loan for professional courses or higher education in India according to existing norms. The interest on this loan will be paid from the PM-CARES fund.

XXIV. That the Natural Guardian of the Petitioner submits that the above mentioned schemes are a bit exhaustive in nature and the Guardian of the Petitioner also could not name all the Names of the Schemes as formulated by the Respondent No.1 to Respondent No.5, but in reality, the compensation will be provided and the criteria are still awaited as these formulations are just mere an announcement, if it is as announced, though no money or compensation can cover up for the Loss of any of the

Family Member and also Petitioners through their Guardian submits that no steps seems to have been taken by the Respondent No.1 to Respondent No.5 for the children who are studying in Public Schools, though they are covered under the Right to Education Act.

XXV. The COVID-19 pandemic has taken many lives in India as of June 7, and in the National Capital, many Lives has been lost due to covid as reported, which many believe is quite underreported. While the pandemic has left collective loss and trauma in its wake, there are some like Petitioner's who have found themselves at a greater disadvantage than others after losing the sole breadwinner.

XXVI. While the quotable saying goes that money doesn't solve everything, having it certainly makes dealing with losses easier. And so, those who have lost earning members of their families and households have found themselves struggling with more than just the emotional loss of a loved one.

XXVII. For now, Petitioner's Relative's alongside many NGO's and Samaritans are helping to pay the School Fees of the Petitioner's, but now the traction has died down.

XXVIII. For many like Petitioner's, who have lost their family's sole breadwinner, there has been no monetary relief or ex-gratia from the Respondent No.1 to Respondent No.5, till date. However, even in cases where there is

some financial relief announced, no help of any sort or any application forms or the statuses have been announced thereafter or any update of securing the benefits as per schemes despite having been close to 40 days.

XXIX. That even otherwise, the Guardian of the petitioners submit before this Hon'ble Court that a Police Complaint has also been lodged by the Guardian of the petitioners along with Other Families who lost the near and dear ones due to negligence of the Jaipur Golden Hospital and other authorities before the Rohini Police Station and even otherwise, a group of People who lost their Loved One's during the Intervening night of April 23rd to April 24th, 2021, due to lack of Oxygen has also challenged and sought to Quash the One Sided Report dated 2nd of May 2021 which was made by the committee which was appointed by the Respondent no.1 & the one sided Report was challenged before this Hon'ble Court, though not by Petitioners so far and this Hon'ble Court was pleased to issue notice to the Respondent No.1, No.2 and Respondent No.6 for 20.08.2021 in WP (C) No. 5867/2021 and the matter is sub-judice before this Hon'ble Court.

XXX. It is stated that in, and around Last Week of April 2021, the Natural Guardian of the Petitioner, was informed for Payment of Fee through an Online Link on the Website

of the Respondent No.6, inter alia, for the Payment of the Fees.

XXXI. That on April 28th, 2021, the Guardian of the Petitioner vide an Email wrote to the Respondent No.6, inter alia, requesting for the fee waiver of the Petitioner's as the condition of the Guardian of the Petitioner is not in a greatest of the shapes as the Petitioner's lost the only earning livelihood member of the Family and now Guardian of the Petitioner has to take care of the existing family members.

XXXII. That the Guardian of the Petitioner categorically wrote down to the Respondent No.6, wherein the Guardian of the Petitioner also explained the circumstances as to the reason as to why, the Guardian of the Petitioner is seeking a waiver, however vide Email dated June 6th, 2021, the Said Request of the Guardian of the Petitioner was turned down by Respondent No.6, consequently to the fear of getting the name struck off from the roll of records of the petitioner, the Guardian on 8th of June 2021, deposited the fees, Rs. 6205/- per month for Petitioner No.1 and Rs. 5385/- per month for Petitioner No.2 on an online platform as provided over by Respondent No.6.

XXXIII. It is stated that several rights have been guaranteed to the Children in the Constitution of India, such as Equality before Law, Free and Compulsory Primary

Education to the Children of the Age of Six to Fourteen Years.

- XXXIV.** Education is fundamental for achieving full human potential, developing an equitable and just society, and promoting national development. Providing universal access to quality education is the key to economic growth, social justice and equality, scientific advancement, national integration and cultural preservation; and for India's continued ascent, progress, and leadership on the global stage. India will have the highest youth population in the world over the next decade, and our ability to provide high-quality educational opportunities to them will shape the future of our country.
- XXXV.** That it is also stated by the Guardian of the Petitioner that the deceased Father of the Petitioner was a very ambitious father who always wanted a good education for their children and always dreamt of making sure that the Petitioners do study In a school of much more high repute and due to the untimely death of the Father, the dream lies vested on the Guardian to make it turn to reality. Due to the educational qualification and his hard work, deceased i.e. father of Petitioners was expecting promotion as well.
- XXXVI.** That it is submitted that the Guardian is finding very difficult to meet out the expenses of the family as the

sole dependent earner of the family has died due to lack of Supply of Oxygen, the Guardian needs to plan about the future and hence, in these hard times, the Petitioners through the Guardian are preferring the Present petition and also the Petitioners through the Guardian have no means to even pay for the legal fees as a result of which the undersigned lawyers are doing the present matter pro-bono.

XXXVII. Therefore, the Respondent No.1 to Respondent No.5 are under legal and moral obligation to provide compensation and sustenance to the families who have lost their family member due to inaction of the Hospitals and other Government Authorities that those who are responsible for the deaths of patients due to the failure to provide Oxygen to patients are brought to Justice.

XXXVIII. As in the present petition, expedite implementation of schemes is prayed, thereby Petitioner are reserving their right to ask for appropriate damages as compensation separately and due to the prayer is of limited relief, Petitioners are not narrating the whole incident of Gross Negligence of Hospital and Concerned Authorities, in case the same is directed by this Hon'ble Court, Petitioners are reserving their right to raise the same.

XXXIX. That most of the Covid-19 victims, including the Father of the Petitioner was the sole earning members of the family and after their demise the families are struggling

for their basic needs. Due to inaction and failure of the Jaipur Golden Hospital, Respondent No.1 and No.2 a large number of children, including the Petitioners have either become orphan or lost their sole earning member of the family and there is no one to take care of them as during the current lockdown everyone is in financial crisis.

- XL.** Education in the Indian constitution is a concurrent issue and both Respondent No.1 to No.5 can legislate on the issue. The Act lays down specific responsibilities for the Respondent No.1 to No.5 and local bodies for its implementation. The states have been clamoring that they lack financial capacity to deliver education of appropriate standard in all the schools needed for universal education.
- XLI.** That it is the constitutional and legal obligation of the Respondent No.1 and Respondent No.5 under Article 41 of Indian Constitution, to provide medical care to the residents and to protect their right to Education as the Father of the Petitioner's have succumbed not because of Covid-19, but due to the fact that there was lack of Oxygen.
- XLII.** That the Petitioner's have been carrying out Education from such an esteemed School of Respondent No.6 since starting and shifting the admission and the school of the Petitioner's shall not serve any purpose thereto, It

is also stated that Petitioners are still not able to cope with the tragic death of their father due to the Negligence and in the event of change of school of Petitioners shall only add to the misery of the Petitioners which may cause serious impact on the mental health of the Petitioners.

XLIII. That the petitioners have very recently lost their father and grandmother, they are emotionally and psychologically fragile. The petitioners for their mental health to recoup and for them to move further in their studies and lives ought to continue to study at Respondent No 6 School. Any change in their school location or otherwise will severely impact their mental health and deteriorate their emotional well being as they will also lose the comfort of their friends, teachers and known surroundings.

XLIV. That the claim in the present petition is to seek a Limited direction to an extent of issuing of directions to the Respondent no.1 to Respondent No.5 to expeditiously implement the various schemes as floated by the Respondent No.1 to Respondent No.5 and the Present petition has been preferred in the most exigent of circumstances. The petitioners as entitled by law shall seek compensation, damages or any other entitled remedy under law for the untimely and preventable death of their father in addition to any scheme floated/to

be floated by the respondents or otherwise. The petitioner's as advised or as they deem fit shall seek appropriate remedy available under law to them against the parties responsible for the death of their father and Grand Mother.

10. The reliefs prayed for in this Writ Petition are claimed on the following grounds, each of which is taken both alternatively and cumulatively and without prejudice to each other. The Petitioners crave liberty to urge additional grounds at a later stage during these proceedings.

GROUND S :-

- A. **BECAUSE**, the Petitioner's through Guardian, seeks protection of fundamental right to life as well as education guaranteed under the Constitution"
- B. **BECAUSE**, it is the duty of the Government to protect the fundamental right of Right to Education in "event of inability in payment of fees due to financial hardships of a parent, the protection which is provided for in the Constitution of India.
- C. **BECAUSE**, the Petitioners are left with their Mother, who is a Guardian and the Guardian wants the best of the Education for the Petitioner's from Respondent No.6 School, but since the

Guardian has been a homemaker and since the Father of the Petitioner who was the only sole earning member, died an untimely death, due to lack of Oxygen, which was the duty of the Governments to provide and due to lapse of hospitals as well, however specific role as degree of Negligence by Respondent No.1 and No.2 and Hospitals are not narrated for the sake of brevity in view of the limited Prayer as sought in the Present Petition.

D. BECAUSE, the surviving parent i.e the Guardian of the Petitioner is unable to meet Petitioner's demands for the expenses of education and other allied expenses of co-circular activities and Private tuitions as well.

E. BECAUSE, if people die of pandemic in a large number due to paucity of sufficient medical aid i.e. oxygen and necessary medication then the Private Medical Institutions and also governments is to be accountable which failed to counter the pandemic. That in any civilized society if public health system is not able to meet the health challenge as and hundreds of thousand and people die for want of proper medication, it means that entire Private Medical health Infrastructure and government has miserably failed and there has been no proper development in medical system.

F. BECAUSE, The Petitioners and many such other persons have lost their sole earning member and now, they are left with no means of sustenance. In these circumstances, the petitioners herein are entitled for said relief, which is limited and Petitioners do reserve their legal right as per law as an immediate measure, they are entitled to be paid monthly amount for their Educational Expenses.

G. BECAUSE, people at large are affected by disaster or the spread of coronavirus and by mismanagement of authorities concerned cannot be described in words as various aspects are involved for determination of the same and if we try to list down all the issues and ways in which way the people affected by this disaster have suffered it will be extremely long list however, it is known to every one how the people are continuously suffering due to said disaster.

H. BECAUSE, in view of the scale and magnitude of the Pandemic as caused by Covid-19, a detailed structured response qua the Issue has to be provided by the Respondent No.1 to Respondent No.5 so that the families who lost their sole earning members and children like petitioners can be given proper and adequate relief as warranted under law.

I. BECAUSE, It is humbly submitted that in the present case, the Hospital knew that if oxygen was not supplied to the

Covid patients, it would immediately result in their deaths. It is humbly submitted that it was well within the knowledge of the respondents that the patients who were infected with Covid and on oxygen support in the hospital, their oxygen level (SpO2) was low and critical and if the oxygen is not supplied on time, the same would result in their deaths and in fact which finally resulted In their deaths.

J. BECAUSE, the Hon'ble Supreme Court in the case of State of Punjab &Ors. v. Mohinder Singh Chawla reported in (1997) 2SCC 83 has affirmed that the right to health is fundamental to the right to life and should be put on record that the government had a constitutional obligation to provide health services. In addition to the same, the Hon'ble Supreme Court in the case of State of Punjab &Ors. v. Ram Lubhaya Bagga reported in (1998) 1SCR 1120 has endorsed the state's responsibility to maintain health services.

K. BECAUSE, the government cannot totally wash its hands off on such issue more particularly when the same pertains to fundamental right of the citizens under the provision of Article 21 of the Constitution of India and there for time bound direction is required to be Issued upon the concerned authorities.

L. BECAUSE, The right to education became a fundamental right in the Indian Constitution in 2002 and Article 21A provides that: 'The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.

M. BECAUSE, Education in the Indian constitution is a concurrent issue and both Respondent No.1 to No.5 can legislate on the issue. The Act lays down specific responsibilities for the Respondent No.2 to No.4 and local bodies for its implementation. The states have been clamoring that they lack financial capacity to deliver education of appropriate standard in all the schools needed for universal education.

N. BECAUSE, Education as a tool is the most potent mechanism for the advancement of human beings. Education emancipates the human beings and leads to liberation from ignorance. Education is now being visioned as a human right and an instrument of social change.

O. BECAUSE, Education is the basis for development and empowerment of every nation. Education is the most powerful weapon which can be used to change the world. In fact, education has its functionalism in almost all spheres of life. Its signification can never be marginalized. An education can

create educated society which prepares the present generation for a bright future and enables the individual to galvanize the capacity of collective.

P. BECAUSE, without going any controversy on whose fault , the father of Petitioners expired , Petitioners even otherwise are entitled for free education under the scope of The Right of Children to Free and Compulsory Education Act as It requires all private schools to reserve 25% of seats to children (to be reimbursed by the state as part of the public-private partnership plan). The Act also provides that no child shall be held back, expelled, or required to pass a board examination until the completion of elementary education. There is also a provision for special training of school drop-outs to bring them up to par with students of the same age. though in the present case , Petitioners are forced to invoke this Petition as the death of the Petitioners father was due to laxity.

Q. BECAUSE, Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit

- R. BECAUSE**, right of education further means that a citizen has a right to call upon the state to provide educational facilities within the limits of its economic capacity and development
- S. BECAUSE** “Education is perhaps the most important function of state and a local government. It is required in the performance of our most basic responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today, it is the principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful and child may reasonable be expected to succeed in life if he is denied the opportunity of education.
- T. BECAUSE**, At the government level, allocation of funds required for effective implementation of free and compulsory education as per the RTE Act 2009 should be estimated by the department. The allocation must be planned in different phases. There is a great need for coordinating with various government departments for effective implementation of government programmes and avoid duplication of beneficiaries, fund utilizations etc. At last but not the least, existing monitoring system may be streamlined and a comprehensive monitoring system that looks into academics and administration should be designed to achieve the desired objectives.

U. BECAUSE, That due to inaction, many of the affected families have lost their earning members and now are striving hard for their survival. That time and again the Hon'ble Supreme Court has held that all hospitals both in the government and the private sector are duty bound to provide basic and emergency medical care to the needy persons.

V. BECAUSE, it is the duty of the state to take care of the children who have lost their either parent and earning member due to the pandemic and are now struggling for necessities of life. That the state cannot avoid its constitutional obligation to provide adequate medical aid to the citizens.

11. It is stated by the Petitioners through their Guardian that the Present Writ Petition is made with effect to expeditiously Implementation of the Various Schemes as floated by the Respondent No.1 to Respondent No.2. That the Petitioner's further submits that the Present Petition no-where tantamount of waiver of any other right as available with the petitioner or their guardian from claiming compensation or initiating any other actions against the Respondent No.1 and Respondent No.5 along-side Jaipur Golden Hospital as warranted in law or the present Petition shall not in any manner extinguish the right of the Petitioners from taking any other action as available under law.

12. That the Petitioners are constrained to file this Present Petition before this Hon'ble Court. In addition to the same, the

Petitioners crave the liberty of this Court to add, alter, modify or amend the grounds during the pendency of this Writ Petition, if necessary.

13. That the Petitioners Are constrained to file the above Petition before this Hon'ble Court as it has no other efficacious remedy and the matter is of grave and immense urgency and significance.

14. The Petitioners herein states that they have not filed a similar Writ Petition or any other Petition before this Hon'ble Court or any other Court/s involving the subject matter of this Petition, which is pending or has been disposed of.

15. This Hon'ble Court has the jurisdiction to entertain the present Writ Petition.

16. This writ petition is made bona fide and in the interest of justice.

17. That the annexure filed with the petition are true copies of the respective originals.

18. PRAYER

In the facts and circumstances stated above, it is most humbly prayed that this Hon'ble Court may be pleased to issue appropriate writs, orders and directions as set out below:

- A. Issue a Writ of Mandamus, Certiorari, or any other Appropriate Writ, Order or Direction thereby directing the Respondent No.1 to Respondent No.5 to announce and expeditiously implement the schemes of grant of compensation

which has been proposed for the victims family on account of death caused due to lack of oxygen supply or death due to covid and further release the compensation amount expeditiously in the interest of justice.

B. Issue a Writ of Mandamus, Certiorari, or any other Appropriate Writ, Order or Direction thereby directing the Respondent No.1 to Respondent No.5 to announce and expeditiously implement the schemes, for Children like Petitioners, who are studying in Private Schools, who has lost their sole bread earning parent/family member due to lack of oxygen supply or due to covid and further Respondents should be directed to bear all the educational expenses of the Petitioners in the interest of justice.

C. Issue a Writ of Mandamus, Certiorari, or any other Appropriate Writ, Order or Direction thereby directing the Respondent No.1 to Respondent No.5 to ensure that there should not be any kind of Prejudice to the right of petitioner's education in the Respondent No.6 School on account of Non-Payment of Fees, in the interest of Justice &

Pass any order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present petition.

AND FOR THIS ACT OF KINDNESS, THE PETITIONERS SHALL, AS IN THE DUTY BOUND, EVER PRAY.

Filed by:

DELHI
DATED: 08.06.2021


PETITIONERS, Through Guardian

THROUGH


BHARAT MALHOTRA AND SIDDHANT SETHI
ADVOCATES

For the Petitioner's
8/29, L.G.F East Patel Nagar
New Delhi-110008

+91-8447151507 / +91-9811672784
siddhantraisethi@gmail.com
bharatmal2@gmail.com

IN THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI
CIVIL ORIGINAL JURISDICTION
WRIT PETITION CIVIL NO _____/2021

IN THE MATTER OF:-

YASMIN KATARIA AND ANR

(Through Guardian namely Shalu Kataria)

... PETITIONERS

VERSUS

AIR FORCE GOLDEN JUBILEE INSTITUTE AND ORS

... RESPONDENTS

AFFIDAVIT

Affidavit of Mrs Shalu Kataria, W/o Late Sh Dinesh Kataria, aged about 36 Years, having the Residential Address at WZ-758 1/3C Naraina New Delhi -110028 do hereby solemnly affirm and declare as under :-

1. That I am the Guardian of the Petitioners in the above-mentioned writ petition and am therefore, competent to swear this affidavit.
2. That the above mentioned Civil Writ Petition Under Article 226 of the Constitution of India for issuance of necessary writ or direction in the nature of Mandamus, Certiorari or any other nature have been drafted under my Instruction which I believe to be true.
3. That the annexures annexed to the accompanying writ petition are true to their respective originals.

Shalu

DEPONENT

VERIFICATION :-

Verified at Delhi on this _____, day of June, 2021 that the contents of this affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

Waly

DEPONENT

WWW.LIVELAW.IN

ANNEXURE 1
(50)



भारत सरकार
GOVERNMENT OF INDIA

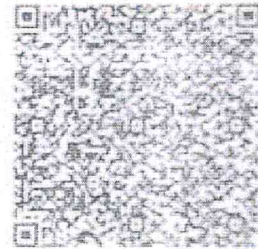


शालू कटारिया

Shalu Kataria

जन्म तिथि/ DOB: 29/11/1985


महिला / FEMALE





9670 5734 6346

आधार-आम आदमी का अधिकार

(51)


 **AIR FORCE GOLDEN JUBILEE INSTITUTE**
Subroto Park, New Delhi-110010
Senior Wing : 25692819, Primary Wing : 26694467

PARENT CARD : 2019-20

	
RUBEN KATARIA UKG-A	Yasmini Kataria IV-B

D.O.B. : 11.02.2015
Father : Mr. Dinesh Kataria
Mother : Mrs. Shalu Kataria
Class-Sec : UKG-A Admn. No.:13401
Address : WZ-75B 1/3C, Naraina, New Delhi

Phone : 9871045372, 9773904376
Transport : Route No.-2


Principal

Mother



Mrs. Shalu Kataria
9773904376

INSTRUCTIONS

Entry of Guardian/Escort will not be permitted in Subroto Park & AFGJI without this card.

This card is not transferable and loss of this card is to be immediately reported to the HM/Principal.

This card is valid only till 31 Mar 2020 and is to be returned to the class teacher at the end of academic year / on leaving the school.

(A unit of Jaipur Golden Charitable Clinical Laboratory Trust)

ANNEXURE F3



Patient Bill (Summary)

(53)

I.P. No. : 21/3631	Bill No. : IP21-22/790
Reg No : 1001090499	Bill Date : 24/04/2021 12:40
Pat. Name : Mr. Dinesh Kataria - G/W	Sponsor : VESUL MEDICORP PVT. LTD.
Age/Gender : 41 Yr 9 Mnth 7 Days/Male	Insured Name :
Address : WZ-75B 1/3C HARAJNA VILLAGENARAINA, DELHI	InsuredAdd :
Mobile : 9773904376	Payer Name : THE ORIENTAL INSURANCE CO LTD
Consultant : Dr. RAKESH K CHAWLA	TPA/Ref No : 22CB04OIFD119
Bed No : AD02	Policy No : 211460/48/2021/1976
D.O.A : 18/04/2021 11:35	Dis Bed No : CCU01
Hospital Reg. No. : DGHS/NH/133	O.O.D : 24/04/2021 03:25 (EXPIRED)
Secondary Dr. :	GSTIN : 07AAAT303003126
	PAN No : AAAT303003
	SAC : 000311
	State Code : 07

S#	Particulars	Net Amt.	Patient Amt.	Payer Amt.
1	CRITICAL CARE	12070.00	0.00	12070.00
2	LABORATORY	6330.00	0.00	6330.00
3	MISC HEADS	2000.00	0.00	2000.00
4	ADMISSION CHARGES	1000.00	0.00	1000.00
5	BLOOD BANK	11000.00	0.00	11000.00
6	COVID CARE	85000.00	0.00	85000.00
7	MEDICAL CONSUMABLE (CARDIAC CCU)	7510.00	0.00	7510.00
		Total Bill Amount		129910.00
		Net Bill Amount		129910.00
		Payer Amount		129910.00
		Amount Received (-)		3000.00
		Balance		126910.00

Total Bill Amount In Words: Rupees One Lakh Twenty Nine Thousand Nine Hundred Ten only

Advance/Payment Details

Receipt/Ref no	Receipt/Ref Date	Received/Ref Amt	Adjusted Amount	Mode
AD21-22/2731	24/04/2021 12:32	3000.00	3000.00	Cash

Patient's Attendant's Signature

Authorized Signatory

Printed By: C570

Prepared By: GUDIYA

Print Date: 24/04/2021 12:42

ANNEXURE P-5

54

\$~42

* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(C) 5867/2021
ERICK MASSEY AND ORS. Petitioners
Through Mr.Utsav Bains, Adv.

versus

UNION OF INDIA AND ORS. Respondents
Through Mr.Kirtiman Singh, CGSC with
Mr.Waize Ali Noor, Adv for R-1 & 2.
Mr.Santosh kr.Tripathi, SC with Mr.Aditya
Khanna, Adv for R-3 & 4.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **04.06.2021**

CM APPL. 18425-26/2021

1. Exemptions allowed, subject to all just exceptions.
2. Notarized affidavit and Court Fee be filed within two weeks of the Court resuming physical hearing.
3. The applications stand disposed of.

W.P.(C) 5867/2021

4. The present petition has been preferred by eight persons, who have lost their near and dear ones while undergoing treatment for COVID-19 at respondent no.5/hospital in the intervening night of 23/24.04.2021.
5. Learned counsel for the petitioner submits that those unfortunate

Signature Not Verified
Digitally Signed By: AWANISH
CHANDRA MISRA
Signing Date: 05.06.2021
13:09:39

deaths took place primarily due to shortage of oxygen at the respondent Hospital and, therefore, prays that the same ought to be investigated by a

Court-monitored CBI Special Investigation Team (SIT) and adequate compensation ought to be provided to the petitioners.

6. Issue notice. Mr.Kirtiman Singh and Mr.Santosh Kr. Tripathi, Advocates accept notice for respondent nos.1 & 2 and respondent nos.3 & 4 respectively. Upon the petitioner taking steps, issue notice to the respondent no.5 returnable on 20.08.2021.

7. Counter affidavit, if any, be filed within four weeks. Rejoinder thereto, if any, be filed within two weeks thereafter.

8. In the meanwhile, it will be open for the petitioners to approach the respondent nos.3 & 4 under any of the schemes floated by the respondent Governments/Departments for the purpose of addressing exigencies arising out of COVID-19 deaths.

REKHA PALLI, J

JUNE 4, 2021

sr

Fwd: Fw: Request for fee wave off Yasmin Kataria 7b adm 11252 and Ruben Kataria 2a adm no. 13401

1 message

WWW.LIVEINLAW.IN ANNEXURE F-5 lolly (56)

Bharat R Malhotra <bharatmal2@gmail.com>
To: ABHIJEET SINGH <sboabhijeetsingh@gmail.com>

Mon, Jun 7, 2021 at 11:00 AM

----- Forwarded message -----

From: **Rakesh Malhotra** <officerakeshmalhotra@gmail.com>
Date: Sun, 6 Jun 2021 at 7:57 PM
Subject: Fwd: Fw: Request for fee wave off Yasmin Kataria 7b adm 11252 and Ruben Kataria 2a adm no. 13401
To: Bharat Malhotra <bharatmal2@gmail.com>

----- Forwarded message -----

From: **Shalu Tanwar** <s_tan11@yahoo.co.in>
Date: Sun, Jun 6, 2021, 7:24 PM
Subject: Fw: Request for fee wave off Yasmin Kataria 7b adm 11252 and Ruben Kataria 2a adm no. 13401
To: Rakesh Malhotra <officerakeshmalhotra@gmail.com>

Sent from Yahoo Mail on Android

----- Forwarded message -----

From: "AIR FORCE GOLDEN JUBILEE INSTITUTE" <principal.afgji@gmail.com>
To: "Shalu Tanwar" <s_tan11@yahoo.co.in>
Cc:
Sent: Fri, 7 May 2021 at 10:35
Subject: Re: Request for fee wave off Yasmin Kataria 7b adm 11252 and Ruben Kataria 2a adm no. 13401
Goodmorning Ma'am,

Please accept our deepest condolences on your loss. We understand these are tough times for you and place on record our gratitude for clearing the fee dues of your wards. We are sorry to inform that there is no provision on waiver of fees and we are tied by rules as an organisation. However we do assure you of all possible help to both the children in whatever way required by us.

Regards

On Wed, Apr 28, 2021 at 12:42 PM Shalu Tanwar <s_tan11@yahoo.co.in> wrote:
Dear Sir/Madam

Regarding above said request, I Shalu Kataria W/O Late Dinesh Kataria, Mother of Yasmin Kataria 7b adm 11252 and Ruben Kataria 2a adm no. 13401
Requesting you Kindly wave off My Children's School Fees.

Its very Critical ,verdict situation to say that, My Husband passed away on last 24th April 2021,in Jaipur Golden Hospital due to Covid-19 & lack of Oxygen & same day after my Mother in law also passed away.

I am the only one who looked the all family things, also now i have to take care my Father in law and two kids

Right now i am totaly financialy unbalanced with empty pocket & Future, i am unable to bare the expenses of my kids studies.

Its my Humble & altruistic request to you kindly help me out this critical time.

Thanks & Regards
Shalu Kataria
W/O Late Dinesh Kataria
9773904376

Sent from Yahoo Mail on Android

--
Regards
Air Force Golden Jubilee Institute
Subroto Park
New Delhi - 110 010

(57)

IN THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI
CIVIL ORIGINAL JURISDICTION
WRIT PETITION CIVIL NO _____/2021

IN THE MATTER OF:-

YASMIN KATARIA AND ANR

(Through Guardian namely Shalu Kataria)

... PETITIONERS

VERSUS

GOVT OF NCT OF DELHI AND ORS

... RESPONDENTS

**APPLICATION UNDER SECTION 151 OF CODE OF CIVIL
PROCEDURE FOR EXEMPTION FROM FILING CERTIFIED
COPIES.**

MOST RESPECTFULLY SHOWETH :-

1. That the Petitioners through the Guardian have filed annexures along with the main petition, in order to support the accompanying Civil Writ Petition, and the annexures filed are the true copies of the originals, and reflect the facts accurately.
2. That the Petitioners through the Guardian shall apply for obtaining the certified copies of the Annexures and undertakes to file the same as soon as the same is made available by copying agency concerned.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may be graciously pleased to grant exemptions from filing the certified copies of the annexures, and grant permission to submit the certified copies later.

(58)

Pass any order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present petition.

Filed by:

DELHI

Malvi
PETITIONERS THROUGH GUARDIAN

BY

DATED: 08.06.2021

Bharat Malhotra
BHARAT MALHOTRA AND SIDDHANT SETHI
ADVOCATES

For the Petitioner's
8/29, L.G.F East Patel Nagar
New Delhi-110008
+91-8447151507 / +91-9811672784
siddhantraisethi@gmail.com
bharatmal2@gmail.com

IN THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI
CIVIL ORIGINAL JURISDICTION
WRIT PETITION CIVIL NO _____/2021

IN THE MATTER OF:-

YASMIN KATARIA AND ANR

(Through Guardian namely Shalu Kataria)

... PETITIONERS

VERSUS

AIR FORCE GOLDEN JUBILEE INSTITUTE AND ORS

... RESPONDENTS

AFFIDAVIT

Affidavit of Mrs Shalu Kataria, W/o Late Sh Dinesh Kataria, aged about 36 Years, having the Residential Address at WZ-758 1/3C Naraina New Delhi -110028 do hereby solemnly affirm and declare as under :-

1. That I am the Guardian of the Petitioners in the above-mentioned writ petition and am therefore, competent to swear this affidavit.
2. That the above mentioned Interim Application, seeking Exemption from filing certified copies of the Annexure have been drafted under my Instruction which I believe to be true.
3. That the annexures annexed to the accompanying writ petition are true to their respective originals.

Shalu

DEPONENT

VERIFICATION :-

Verified at Delhi on this _____, day of June, 2021 that the contents of this affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

Shalu

DEPONENT

IN THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI
CIVIL ORIGINAL JURISDICTION
WRIT PETITION CIVIL NO _____/2021

IN THE MATTER OF:-

YASMIN KATARIA AND ANR

(Through Guardian namely Shalu Kataria)

... PETITIONERS

VERSUS

GOVT OF NCT OF DELHI AND ORS

... RESPONDENTS

**APPLICATION FOR AN ON BEHALF OF THE PETITIONER
UNDER SECTION 151 OF CPC FOR EXEMPTION FROM
FILLING DULY AFFIRMED AFFIDAVITS AND REQUISITE
COURT FEES**

MOST RESPECTFULLY SHOWETH :-

1. That the Petitioners, through the Guardian has filed the present Petition, the relief claimed as which is not repeated here in for the sake of brevity.
2. That the Petitioners in view of the ongoing lockdown due to the COVID-19 and in lieu of the Circular of this Hon'ble Court dated 23.04.2021, seeks the liberty of this Hon'ble Court to exempt the Petitioner from filing duly attested copies of the affidavits and also from filing court fees.
3. However, the Petitioners undertakes to file the both immediately within 3 days from the date of resumption of the regular functioning of this Hon'ble Court.

(61)

PRAYER

It is most respectfully prayed that the Petitioners may kindly be exempted from filling the duly attested copies along with Court fees along with the present Application and to Pass any order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present petition.

Filed by:

DELHI

Daly
PETITIONERS THROUGH GUARDIAN

BY

DATED: 08.06.2021

B
**BHARAT MALHOTRA AND SIDDHANT SETHI
ADVOCATES**

For the Petitioner's
8/29, L.G.F East Patel Nagar
New Delhi-110008
+91-8447151507 / +91-9811672784
siddhantraisethi@gmail.com
bharatmal2@gmail.com

IN THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI

CIVIL ORIGINAL JURISDICTION

WRIT PETITION CIVIL NO _____/2021

IN THE MATTER OF:-

YASMIN KATARIA AND ANR

(Through Guardian namely Shalu Kataria)

... PETITIONERS

VERSUS

AIR FORCE GOLDEN JUBILEE INSTITUTE AND ORS

... RESPONDENTS

AFFIDAVIT

Affidavit of Mrs Shalu Kataria, W/o Late Sh Dinesh Kataria, aged about 36 Years, having the Residential Address at WZ-758 1/3C Naraina New Delhi -110028 do hereby solemnly affirm and declare as under :-

1. That I am the Guardian of the Petitioners in the above-mentioned writ petition and am therefore, competent to swear this affidavit.
2. That the above mentioned Interim Application, seeking Exemption from filing Attested Copies of the Affidavit and exemption from filing court fees have been drafted under my Instruction which I believe to be true.
3. That the annexures annexed to the accompanying writ petition are true to their respective originals.



DEPONENT

VERIFICATION :-

Verified at Delhi on this _____, day of June, 2021 that the contents of this affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

Yaly

DEPONENT

IN THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI
CIVIL ORIGINAL JURISDICTION
WRIT PETITION CIVIL NO _____/2021

IN THE MATTER OF:-

YASMIN KATARIA AND ANR
(Through Guardian namely Shalu Kataria)

... PETITIONERS

VERSUS

GOVT OF NCT OF DELHI AND ORS

... RESPONDENTS

APPLICATION FOR AN ON BEHALF OF THE PETITIONER
UNDER SECTION 151 OF CPC SEEKING DIRECTION TO THE
RESPONDENT NO.1 TO RESPONDENT NO.5 TO RE-IMBURSED
THE EDUCATIONAL FEES/EXPENSES AS CARRIED OUT BY
PETITIONER FOR THE EDUCATION OF THE PETITIONER
BEFORE THE RESPONDENT NO.6

MOST RESPECTFULLY SHOWETH :-

1. That the Petitioners, through the Guardian has filed the present Petition, the relief claimed as which is not repeated here in for the sake of brevity.
2. That the Present Application has been preferred by the Petitioner through the Guardian, that an interim protection, to an extent, be provided to the petitioners and a direction may be passed against the Respondent No.1 to Respondent No.5, without prejudicing the

rights of the Petitioners, to bear or to re-imburse the Educational expenses, relating to Academic Fees of the Petitioner with the Respondent No.6 till the outcome of the Present Petition be given to the petitioners and also a direction may be given to Respondent No.6 to not have any adverse inference against the Petitioner's on account of Impleading Respondent No.6 in the captioned Matter and to treat the Petitioner's in similar manner like before, and the outcome of the Present Petition shall not in any manner whatsoever prejudice the conduct of Respondent No.6 towards the Petitioner's as the Present petition is only moved as per the Circumstances which were beyond the hands and control of the Guardian, in the interest of Justice.

3. No Prejudice shall be caused to the Respondents if the Present Application is allowed and an interim protection is granted to the Petitioners, in the interest of Justice.

4. **PRAYER**

It is most respectfully prayed that the Direction may kindly be issued against the Respondent No.1 to Respondent No.5, without prejudicing the rights of the Petitioners, to bear or to re-imburse the Educational expenses, relating to Academic Fees of the Petitioner with the Respondent No.6 till the outcome of the Present Petition, in the interest of Justice.

Pass such other or further order that this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

Filed by:

DELHI

Malhotra
PETITIONERS THROUGH GUARDIAN

BY

DATED: 08.06.2021

B. S.
BHARAT MALHOTRA AND SIDDHANT SETHI
ADVOCATES

For the Petitioner's
8/29, L.G.F East Patel Nagar
New Delhi-110008

+91-8447151507 / +91-9811672784

siddhantraisethi@gmail.com

bharatmal2@gmail.com

IN THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI

CIVIL ORIGINAL JURISDICTION

WRIT PETITION CIVIL NO _____/2021

IN THE MATTER OF:-

YASMIN KATARIA AND ANR

(Through Guardian namely Shalu Kataria)

... PETITIONERS

VERSUS

AIR FORCE GOLDEN JUBILEE INSTITUTE AND ORS

... RESPONDENTS

AFFIDAVIT

Affidavit of Mrs Shalu Kataria, W/o Late Sh Dinesh Kataria, aged about 36 Years, having the Residential Address at WZ-758 1/3C Naraina New Delhi -110028 do hereby solemnly affirm and declare as under :-

1. That I am the Guardian of the Petitioners in the above-mentioned writ petition and am therefore, competent to swear this affidavit.
2. That the above mentioned Interim Application have been drafted under my Instruction which I believe to be true.
3. That the annexures annexed to the accompanying writ petition are true to their respective originals.

Shalu

DEPONENT

VERIFICATION :-

Verified at Delhi on this _____, day of June, 2021 that the contents of this affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

Shalu

DEPONENT

IN THE COURT OF Delhi High Court of Delhi

Suit/appeal/complaint/FIR/petition /Appln No. W.P(1) JURISDICTION of 21
2021

In Re :-

YASMIN KATARIA & ANR Plntff/Aplnt/Petrn/App
Int. the guardian namely Shri Kataria

VERSUS

Govt of NCT of Delhi & ANR
Def/Respnt/JD/Accused

KNOW ALL to whom these present shall come that I/We Retired,
the above named _____ do hereby appoint ; -

BIJANAT MALHOTRA SIDDHANT SETHI
ID. No 1105/15 8/29 L. No. East Patel Nagar ^{Adv.} No. 110008

(hereinafter called the advocate/s) to be my/our Advocate in the above noted case authorize him
To act, appear and plead in the above-noted case in this Court or in any other Court in which the same
may be tried or heard and also in the appellate Court including High Court subject to payment of fees
separately for each court by me/us.
To sign, file, verify and present pleadings, appeals, cross-objections or petitions for executions review
revision, withdrawal, compromise or other petitions or affidavits or other documents as may-be deemed
necessary of proper for the prosecution of the said case in all its stages subjects to payment of fees for
each stage.
To file and take back documents, to admit and/or deny the documents of opposite party
To withdraw or compromise the said case or submit to arbitration any differences or disputes
that may arise touching or in any manner relating to the said case.
To take execution proceedings.
To deposit, draw and receive monthly cheques, cash and grant receipt thereof and to do all
other acts and things which may be necessary to be done for the progress and in the course of the
prosecution of the said case.
To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority
hereby conferred upon the Advocate whenever he may think fit to do so and to sing the power of
attorney on our behalf.
And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his
substitute in the matter as me/our own acts, as if done by me/us to all intents and proposes.

And I/We undertake that I/We or my/our duly authorized agent would appear in Court on all hearings and will inform the Advocate for appearance when the case is called.

And I/We the undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournments costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.

And I/We the undersigned do hereby agree that in the event of the whole or part of the fee the prosecution he said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once fee is paid, I/We will not entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

IN WITNESS WHEREOF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this 10 day of 6-, 2021.

Accepted subject to the terms of the fees.



Advocate

Client



Client

(1) BHARAT MALHOTRA
Adv.

10 No 1105/15

8447151507

Writ Petition Civil titled as Yasmin Kataria and Anr through Natural Guardian versus State of NCT of Delhi and Ors

1 message

Bharat R Malhotra <bharatmal2@gmail.com>

Thu, Jun 10, 2021 at 12:19 PM

To: standingcounselgnctd@gmail.com, mohammedmuqeem@gmail.com, dcpcr@hotmail.com, delhichildrightscommission@gmail.com, cp.ncpcr@nic.in, pstolg.delhi@nic.in, principal.afgji@gmail.com

Cc: siddhantraisethi@gmail.com, ABHIJEET SINGH <sboabhijeetsingh@gmail.com>

Dear Sir/Sirs

Please find attached the Scanned Copy of the Writ Petition Civil titled as Yasmin Kataria and Anr through Natural Guardian versus State of NCT of Delhi and Ors. **The Matter is allowed to be listed for 11.06.2021.**

Please note that the said email shall be treated as a Proper Service

Thanks and Regards

Bharat R Malhotra

Advocate

+91-8447151507

Disclaimer:

This is an e-mail from the Chamber of Mr. Bharat R Malhotra, Advocate. This e-mail message (including the attachments, if any) contains information that may be confidential, proprietary or legally privileged information which may be protected by the attorney-client or other applicable privileges, or constitute non-public information. This e-mail message is intended to be conveyed only to designated recipient(s). If you are not an intended recipient of this message, please notify the Sender by replying to this message and then delete it from your system. Use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorised and may be unlawful.

Attachments area

 **Document 100621.pdf**
19945K