

\$~20 to 59, 97 & 100

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 3rd May, 2023

+ **CONT.CAS(C) 415/2022 & CM APPL. 18280/2022**

MASTER MEDHANSH JHAWAR @ MADHAV THROUGH HIS
NATURAL GUARDIAN Petitioner

Through: Mr. Rahul Malhotra, Advocate.
Ms. Shyel Trehan, Mr. Rohan Poddar
& Ms. Shivalika Rudrabatla, Advs.
(M: 6370344354)

versus

RAJESH BHUSHAN & ORS. Respondent

Through: Mr. Kirtiman Singh, CGSC, Ms.
Vidhi Jain, Advocate for UOI.
Mr. Divyam Nandrajog, Panel
Counsel, GNCTD with Mr. Mayank
Kamra, Adv. for R-2.
Mr. Tanveer Oberoi (M:9958935556)
and Mr. Jaswinder Singh, Advocate
(M:9811232066)
Dr. Shefali Gulati in person.

WITH

(21)

WITH

+ **W.P.(C) 5315/2020 & CM APPL. 19189/2020, 4237/2023,
7519/2023**

MASTER ARNESH SHAW Petitioner

Through: Mr. Rahul Malhotra, Advocate.
Ms. Shyel Trehan, Mr. Rohan Poddar
& Ms. Shivalika Rudrabatla, Advs.
Mr. Asif Ahmed, Advocate. (M:
9560995495)

versus

UNION OF INDIA & ANR. Respondents

Through: Mr. Kirtiman Singh, CGSC, Ms.
Vidhi Jain, Advocate for UOI.
Mr. Ripudaman Bhardwaj CGSC with
Mr. Kushagra Kumar Adv. for UOI.

Mr. Ripu Daman Bhardwaj, CGSC
for UOI. (M:9818030700)

Mr. Tanveer Oberoi, Adv. for
(AIIMS).

Mr. Mr. Dharmender Verma and Mr.
Vishal Singh, Advs. for BIRAC. Dr.
Sheffali Gulati, (AIIMS).

Mr Dharmender Verma Adv., Mr.
Vishal Singh Adv., Mr. Shantanu
Garg Advocate for BIRAC (M:
9625777607).

(22)

WITH

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W.P.(C) 11610/2017 & CM APPL. 27637/2018, 44016/2022
FSMA INDIA CHARITABLE TRUST Petitioner

Through: Mr. Ashok Agarwal, Mr. Kumar
Utkarsh & Mr. Manoj Kumar, Advs.
(M: 9811101923)

Ms. Shyel Trehan, Mr. Rohan Poddar
& Ms. Shivalika Rudrabatla, Advs.

versus

UNION OF INDIA AND ANR. Respondents

Through: Mr. Sameer Vashisht, ASC (Civil),
GNCTD and Mr. Vanshay Kaul, Adv.
for R-2.

Mr. Vijay Joshi, Sr. Panel Counsel for
UOI.

Mr. Tanveer Oberoi, Adv. for
(AIIMS).

Mr. Saurabh Chauhan & Mr. Varun
Jain, Advocates for intervenors. (M:
9971540730)

(23)

WITH

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**W.P.(C) 2943/2020 & CM APPLs. 10227/2020, 6633/2022,
7534/2023**

ALISHBA KHAN Petitioner

Through: Mr. Rahul Malhotra, Advocate.
Ms. Shyel Trehan, Mr. Rohan Poddar
& Ms. Shivalika Rudrabatla, Advs.

versus
UNION OF INDIA AND ORS. Respondents
Through: Mr. Anuj Aggarwal, ASC, GNCTD,
Ms. Ayushi Bansal, Mr. Sanyam Suri
and Ms. Arshya Singh, Advocates for
R-2 and 4 (M:9891363718).
Mr. Tanveer Oberoi, Adv. for
(AIIMS).

(24) WITH
+ **W.P.(C) 10782/2020 & CM APPL. 33828/2020**
AVIRAJ GARG, AGE 4 YEARS, THROUGH HIS NEXT FRIEND
AND NATURAL FATHER SH. ABHINAV GARG..... Petitioner
Through: Mr. Ashok Agarwal, Mr. Kumar
Utkarsh & Mr. Manoj Kumar, Advs.
Ms. Shyel Trehan, Mr. Rohan Poddar
& Ms. Shivalika Rudrabatla, Advs.

versus
UNION OF INDIA & ANR. Respondents
Through: Ms. Amrita Prakash, CGSC and Mr.
Vishal Ashwani Mehta, Advocates
(M:9818667963).
Mr. Tanveer Oberoi, Adv. for
(AIIMS).

(25) WITH
+ **W.P.(C) 322/2021 & CM APPL. 812/2021**
KESHAV SHARMA AGE 12 YEARS THROUGH HIS NEXT
FRIEND AND NATURAL FATHER SANJEEV
KUMAR Petitioner
Through: Mr. Ashok Agarwal, Mr. Kumar
Utkarsh & Mr. Manoj Kumar, Advs.
Ms. Shyel Trehan, Mr. Rohan Poddar
& Ms. Shivalika Rudrabatla, Advs.

versus
UNION OF INDIA & ANR. Respondents
Through: Mr. Ajay Dignpaul and Mr. Kamal
Dignpaul with Ms. Swati Kwatra,
Advocates for UOI.
Mr. Tanveer Oberoi, Adv. for

(AIIMS).

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WITH

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W.P.(C) 1491/2021 & CM APPLs. 4291/2021, 8671/2022

MASTER MEDHANSH JHAWAR @ MADHAV Petitioner

Through: Mr. Rahul Malhotra, Advocate.
Ms. Shyel Trehan, Mr. Rohan Poddar
& Ms. Shivalika Rudrabatla, Advs.

versus

UNION OF INDIA & ANR. Respondents

Through: Mr. Kirtiman Singh & Ms. Vidhi Jain,
Advocates (M: 9999359235)
Mr. Tanveer Oberoi, Adv. for
(AIIMS).

(27)

WITH

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W.P.(C) 1511/2021 & CM APPL. 4331/2021, 8616/2022

MASTER KENIT JHAWAR @ KESHAV Petitioner

Through: Mr. Rahul Malhotra, Advocate.
Ms. Shyel Trehan, Mr. Rohan Poddar
& Ms. Shivalika Rudrabatla, Advs.

versus

UNION OF INDIA & ANR. Respondents

Through: Mr. Rishabh Sahu, Central Govt Sr.
Counsel with Mr Sameer Sharma,
Adv. for UOI.
Mr. Ghanshyam Mishra, Advocate
with Mr. Babli Chauhan, Adv. for
R-1. (M: 9899794006)
Mr. Tanveer Oberoi, Adv. for
(AIIMS).

(28)

WITH

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W.P.(C) 1611/2021 & CM APPL. 4600/2021

LAKSHYA KUMAR GOYAL, 8 YRS OLD, THROUGH HIS NEXT
FRIEND AND NATURAL FATHER SH. VIPIN KUMAR....

Petitioner

Through: Mr. Ashok Agarwal, Mr. Kumar
Utkarsh & Mr. Manoj Kumar, Advs.
Ms. Shyel Trehan, Mr. Rohan Poddar
& Ms. Shivalika Rudrabatla, Advs.

versus
UNION OF INDIA & ANR. Respondents
Through: Mr. Bharathi Raju, Sr. Panel Counsel
for UOI. (M:9868895906)
Mr. Tanveer Oberoi, Adv. for
(AIIMS).

(29) WITH
+ W.P.(C) 3662/2021 & CM APPLs. 11103/2021, 25590/2021,
32504/2021
PAYEL BHATTACHARYA Petitioner
Through: Mr. Aditya Chatterjee and Mr. Ishaan
Karki, Advocates.
Ms. Shyel Trehan, Mr. Rohan Poddar
& Ms. Shivalika Rudrabatla, Advs.

versus
UNION OF INDIA & ORS. Respondents
Through: Mr. Anuj Aggarwal, ASC, GNCTD,
Ms. Ayushi Bansal, Mr. Sanyam Suri
and Ms. Arshya Singh, Advocates for
R-2 (M:9891363718).
Mr. Ripudaman Bhardwaj CGSC with
Mr. Kushagra Kumar Adv. for UOI.
Mr. Tanveer Oberoi, Adv. for
(AIIMS).

(30) WITH
+ W.P.(C) 3682/2021 & CM APPL. 11153/2021
HARSHIT SONI, 16 YEARS OLD, THROUGH HIS NEXT
FRIEND AND NATURAL FATHER SH. TIKAM CHAND
SONI Petitioner
Through: Mr. Ashok Agarwal, Mr. Kumar
Utkarsh & Mr. Manoj Kumar, Advs.
Ms. Shyel Trehan, Mr. Rohan Poddar
& Ms. Shivalika Rudrabatla, Advs.

versus
UNION OF INDIA & ANR. Respondents
Through: Mr. T.P. Singh, Sr. Central Govt.
Counsel for R-1 (M:9971579687).
Mr. Tanveer Oberoi, Adv. for

(AIIMS).

(31)

WITH

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W.P.(C) 3689/2021 & CM APPL.11179/2021

DHANANJAY BHARDWAJ, 11 YEARS OLD, THROUGH
HIS NEXT FRIEND AND NATURAL FATHER
SH. AMIT KUMAR

..... Petitioner

Through: Mr. Ashok Agarwal, Mr. Kumar
Utkarsh & Mr. Manoj Kumar, Advs.
Ms. Shyel Trehan, Mr. Rohan Poddar
& Ms. Shivalika Rudrabatla, Advs.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Sanjeev Uniyal and Mr. Dhawal
Uniyal, Advs for R-1
(M:9560806614).
Mr. Tanveer Oberoi, Adv. for
(AIIMS).

(32)

WITH

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W.P.(C) 3706/2021 & CM APPL. 11229/2021

KHUSHWANT BHARDWAJ, 7 YEARS OLD,
THROUGH HIS NEXT FRIEND AND NATURAL
FATHER SH. NIKHIL BHARDWAJ

..... Petitioner

Through: Mr. Ashok Agarwal, Mr. Kumar
Utkarsh & Mr. Manoj Kumar, Advs.
Ms. Shyel Trehan, Mr. Rohan Poddar
& Ms. Shivalika Rudrabatla, Advs.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Sanjib Kumar Mohanty, Sr. Panel
Counsel with Mr. Subesh K. Sahood,
Adv. for R-1.
Mr. Tanveer Oberoi, Adv. for
(AIIMS).

(33)

WITH

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W.P. (C) 3707/2021 & CM APPL. 11230/2021

AARAV GARG, 5 YEARS OLD, THROUGH HIS
NEXT FRIEND AND NATURAL FATHER SH.
VIVEK

..... Petitioner

Through: Mr. Ashok Agarwal, Mr. Kumar Utkarsh & Mr. Manoj Kumar, Advs. Ms. Shyel Trehan, Mr. Rohan Poddar & Ms. Shivalika Rudrabatla, Advs.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Siddharth Khatana, Advocate for UOI. (M:9811132326) Mr. Tanveer Oberoi, Adv. for (AIIMS).

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WITH

W.P.(C) 3729/2021 & CM APPL. 11269/2021

MANISH, 8 YEARS OLD, THROUGH HIS NEXT FRIEND AND NATURAL FATHER SH. PHOOL CHAND JAT & ANR

.... Petitioners

Through: Mr. Ashok Agarwal, Mr. Kumar Utkarsh & Mr. Manoj Kumar, Advs. Ms. Shyel Trehan, Mr. Rohan Poddar & Ms. Shivalika Rudrabatla, Advs.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Tanveer Oberoi, Adv. for (AIIMS).

(35)

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WITH

W.P.(C) 3737/2021 & CM APPL. 11277/2021

SHOURYA MARU, 7 YEARS OLD, THROUGH HIS NEXT FRIEND AND NATURAL FATHER SH. KAMAL KUMAR MARU

..... Petitioner

Through: Mr. Ashok Agarwal, Mr. Kumar Utkarsh & Mr. Manoj Kumar, Advs. Ms. Shyel Trehan, Mr. Rohan Poddar & Ms. Shivalika Rudrabatla, Advs.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Ranvir Singh (CGSC) for R-1. (M:9818071061) Mr. Tanveer Oberoi, Adv. for (AIIMS).

(36)
+ WITH
W.P.(C) 3859/2021 & CM APPL. 11647/2021
SIDDHARTH SWARNKAR, 9 YEARS OLD,
THROUGH HIS NEXT FRIEND AND NATURAL
FATHER SH. DINESH KUMAR SWARNKAR Petitioner
Through: Mr. Ashok Agarwal, Mr. Kumar
Utkarsh & Mr. Manoj Kumar, Advs.
Ms. Shyel Trehan, Mr. Rohan Poddar
& Ms. Shivalika Rudrabatla, Advs.
versus
UNION OF INDIA & ANR. Respondents
Through: Mr. Anuj Aggarwal, ASC, GNCTD
with Ms. Ayushi Bansal, Mr. Sanyam
Suri and Ms. Arshya Singh Advocates
for R-1 to 5 (M:9891363718).
Mr. Tanveer Oberoi, Adv. for
(AIIMS).

(37)
+ WITH
W.P.(C) 4045/2021 & CM APPL. 12213/2021
UTKARSH INDRAJIT PAWAR, 10 YEARS OLD, THROUGH HIS
NEXT FRIEND AND NATURAL FATHER SH. INDRAJIT
DAMAR PAWAR Petitioner
Through: Mr. Ashok Agarwal, Mr. Kumar
Utkarsh & Mr. Manoj Kumar, Advs.
Ms. Shyel Trehan, Mr. Rohan Poddar
& Ms. Shivalika Rudrabatla, Advs.
versus
UNION OF INDIA & ANR. Respondents
Through: Mr. Sanjeev Sabharwal, Sr. Panel
Counsel with Ms. Shweta, Advocate
for UOI.
Mr. Harish Kumar Garg and Ms.
Khushboo Sharma, Advocates for
UOI (M:9810150029).
Mr. Tanveer Oberoi, Adv. for
(AIIMS).

(38)
+ WITH
W.P.(C) 4067/2021 & CM APPL. 12306/2021

ANSHU, 10 YEARS OLD, THROUGH HIS NEXT FRIEND AND
NATURAL FATHER SH. NARENDRA KUMAR
YADAV Petitioner

Through: Mr. Ashok Agarwal, Mr. Kumar
Utkarsh & Mr. Manoj Kumar, Advs.
Ms. Shyel Trehan, Mr. Rohan Poddar
& Ms. Shivalika Rudrabatla, Advs.

versus

UNION OF INDIA & ANR. Respondents

Through: Mr. Tanveer Oberoi, Adv. for
(AIIMS).

(39)

WITH

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W.P.(C) 4259/2021 & CM APPL. 12948/2021

ISHAAN, 10 YEARS OLD, THROUGH HIS NEXT FRIEND AND
NATURAL FATHER SH. RAJVIR SINGH Petitioner

Through: Mr. Ashok Agarwal, Mr. Kumar
Utkarsh & Mr. Manoj Kumar, Advs.
Ms. Shyel Trehan, Mr. Rohan Poddar
& Ms. Shivalika Rudrabatla, Advs.

versus

UNION OF INDIA & ANR. Respondent

Through: Mr. Tanveer Oberoi, Adv. for
(AIIMS).

Mr. Ripudam Bhardwaj, CGSC with
Mr. Vinod Tiwari, Adv. for R-1 & 3.

(40)

WITH

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W.P.(C) 4304/2021 & CM APPL. 13108/2021

TANAV HANDOO, 6 YEARS OLD, THROUGH HIS NEXT
FRIEND AND NATURAL FATHER SH. AMIT

HANDOO Petitioner

Through: Mr. Ashok Agarwal, Mr. Kumar
Utkarsh & Mr. Manoj Kumar, Advs.
Ms. Shyel Trehan, Mr. Rohan Poddar
& Ms. Shivalika Rudrabatla, Advs.

versus

UNION OF INDIA & ANR. Respondents

Through: Mr. Satya Ranjan, (Sr. Panal Counsel)
with Mr. Kautilya Birat, Advs for

UOI.

Mr. Tanveer Oberoi, Adv. for
(AIIMS).

(41)

WITH

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W.P.(C) 4551/2021 & CM APPL. 13949/2021

SHAURYA DAHIYA, 7 YEARS OLD, THROUGH HIS NEXT
FRIEND AND NATURAL FATHER SH. SATBIR
DAHIYA Petitioner

Through: Mr. Ashok Agarwal, Mr. Kumar
Utkarsh & Mr. Manoj Kumar, Advs.
Ms. Shyel Trehan, Mr. Rohan Poddar
& Ms. Shivalika Rudrabatla, Advs.

versus

UNION OF INDIA & ANR. Respondents

Through: Mr. Avnish Singh, (SCGC) and Ms.
Pushpalata Singh, Advocate.
(M:8826437138)

Mr. Tanveer Oberoi, Adv. for
(AIIMS).

(42)

WITH

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W.P.(C) 4812/2021 & CM APPL. 14844/2021

NIKHIL YOGENDERSINGH CHOUDARY, 17 YEARS OLD,
THROUGH HIS NEXT FRIEND AND NATURAL FATHER SH.
YOGENDERSINGH P CHOUDARY Petitioner

Through: Mr. Ashok Agarwal, Mr. Kumar
Utkarsh & Mr. Manoj Kumar, Advs.
Ms. Shyel Trehan, Mr. Rohan Poddar
& Ms. Shivalika Rudrabatla, Advs.

versus

UNION OF INDIA & ANR. Respondents

Through: Mr. Ranvir Singh (CGSC) for R-1.
Mr. Tanveer Oberoi, Adv. for
(AIIMS).

(43)

WITH

+

W.P.(C) 5394/2021 & CM APPL. 16683/2021

UDAYVEER SINGH GULERIA, 7 YEARS OLD,
THROUGH HIS NEXT FRIEND AND NATURAL FATHER
SH. RAMESH GULERIA Petitioner

Through: Mr. Ashok Agarwal, Mr. Kumar Utkarsh & Mr. Manoj Kumar, Advs. Ms. Shyel Trehan, Mr. Rohan Poddar & Ms. Shivalika Rudrabatla, Advs.

versus

UNION OF INDIA & ANR. Respondents

Through: Mr. Tanveer Oberoi, Adv. for (AIIMS).

(44)

WITH

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W.P.(C) 5395/2021 & CM APPL. 16686/2021

MASTER AYUSHMAN CHATURVEDI Petitioner

Through: Mr. Deepak Somani, Advocate. Ms. Shyel Trehan, Mr. Rohan Poddar & Ms. Shivalika Rudrabatla, Advs.

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Niraj Kumar, Sr. Central Govt. Counsel for UOI. Ms. Arushi Gupta on behalf of Mr. Jawahar Raja, ASC, GNCTD Mr. Tanveer Oberoi, Adv. for (AIIMS).

(45)

WITH

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W.P.(C) 9684/2021

AADHYAN JAISWAL 11 YEARS OLD THROUGH HIS NEXT FRIEND AND NATURAL FATHER SH ANIL KUMAR JAISWAL Petitioner

Through: Mr. Ashok Agarwal, Mr. Kumar Utkarsh & Mr. Manoj Kumar, Advs. Ms. Shyel Trehan, Mr. Rohan Poddar & Ms. Shivalika Rudrabatla, Advs.

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Divyam Nandrajog, Panel Counsel, GNCTD with Mr. Mayank Kamra, Adv. Mr. Tanveer Oberoi, Adv. for (AIIMS).

(46) WITH
+ **W.P.(C) 14317/2021 & CM APPL. 45148/2021, 14521/2023**
SHREYANSH AARAV, 11 YEARS OLD, THROUGH HIS NEXT
FRIEND AND NATURAL MOTHER SMT. KANCHAN
KAMINI Petitioner

Through: Mr. Ashok Agarwal, Mr. Kumar
Utkarsh & Mr. Manoj Kumar, Advs.
Ms. Shyel Trehan, Mr. Rohan Poddar
& Ms. Shivalika Rudrabatla, Advs.

versus

UNION OF INDIA & ANR. Respondents

Through: Mr. Ripudaman Bhardwaj CGSC with
Mr. Kushagra Kumar Adv. for UOI.
Mr. Tanveer Oberoi, Adv. for
(AIIMS).

(47) WITH
+ **W.P.(C) 1182/2022 & CM APPL. 3442/2022**
INSHA MINOR THROUGH HER NEXT FRIEND AND
NATURAL FATHER SH IRSHAD AHMAD SOFI..... Petitioner

Through: Mr. Ashok Agarwal, Mr. Kumar
Utkarsh & Mr. Manoj Kumar, Advs.
Ms. Shyel Trehan, Mr. Rohan Poddar
& Ms. Shivalika Rudrabatla, Advs.

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Sanjeev Uniyal & Mr. Dhawal
Uniyal, Advs for R-1.
(M:9560806614)

Mr. Rishikesh Kumar ASC-GNCTD,
with Mr Aditya Raj, Mr. Muhammad
Zaid, Mr. Sheenu Priya, Mr. Sudhir
Kumar Shukla & Mr Sumit
Choudhary, (Advocates)

Mr. Tanveer Oberoi, Adv. for
(AIIMS).

(48) WITH
+ **W.P.(C) 1054/2023 and CM APPL. 4164/2023**
MASTER TUSHAR THROUGH HIS NEXT FRIEND AND

NATURAL FATHER SH. JAI PRAKASH Petitioner
Through: Mr. Ashok Agarwal, Mr. Kumar
Utkarsh & Mr. Manoj Kumar, Advs.
Ms. Shyel Trehan, Mr. Rohan Poddar
& Ms. Shivalika Rudrabatla, Advs.

versus

UNION OF INDIA & ANR. Respondents
Through: Mr. Kirtiman Singh, CGSC with Ms.
Vidhi Jain, Advocate for UOI.
Mr. Ripudaman Bhardwaj CGSC with
Mr Hardik Bedi GP for UOI.
Mr. Tanveer Oberoi, Adv. for
(AIIMS)

(49)

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WITH

W.P.(C) 1079/2023 and CM APPL. 4248/2023

MASTER RUDRA PAWAR THROUGH HIS NEXT FRIEND AND
NATURAL MOTHER SMT. ANU VISHNOI Petitioner
Through: Mr. Ashok Agarwal, Mr. Kumar
Utkarsh & Mr. Manoj Kumar, Advs.
Ms. Shyel Trehan, Mr. Rohan Poddar
& Ms. Shivalika Rudrabatla, Advs.

versus

UNION OF INDIA & ANR. Respondents
Through: Mr. Kirtiman Singh, CGSC with Ms.
Vidhi Jain, Advocate for UOI.
Dr. Nabendu Sekhar Chatterjee, from
ICMR.
Mr. Ripudaman Bhardwaj CGSC with
Mr Hardik Bedi GP for UOI.
Mr. Tanveer Oberoi, Adv. for
(AIIMS)

(50)

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AND

W.P.(C) 2614/2023

KARAN, 14 YEARS OLD THROUGH HIS NEXT FRIEND AND
NATURAL FATHER SH. VIJAY KUMAR Petitioner
Through: Ms. Sonia Sharma, Ms. Neha Chugh,
Mr. Vijay Chandra jha & Mr.
Tushant, Advs.

Ms. Shyel Trehan, Mr. Rohan Poddar
& Ms. Shivalika Rudrabatla, Advs.

versus

UNION OF INDIA & ANR.

..... Respondents

Through:

Mr. Nitinjya Chaudhry, Sr Panel
Counsel with Mr. Abhishek, GP (M-
9810103680).

Mr. Abhishek Khanna, Adv. for R-1.
Mr. Tanveer Oberoi, Adv. for
(AIIMS)

(51)

WITH

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W.P.(C) 4495/2023 & CM APPL.17190/2023

PARAS JAIN THROUGH HIS NEXT FRIEND AND NATURAL
FATHER SH. SANDEEP JAIN

..... Petitioner

Through:

Mr. Ashok Agarwal, Mr. Kumar
Utkarsh, and Mr. Manoj Kumar,
Advocates. (M: 9811101923)

Ms. Shyel Trehan, Mr. Rohan Poddar
& Ms. Shivalika Rudrabatla, Advs.

versus

UNION OF INDIA & ANR.

..... Respondents

Through:

Mr. Raj Kumar, Advocate, SPC, UOI.
Mr. Kirtiman Singh, CGSC with Ms.
Vidhi Jain, Adv. for UOI.

(52)

WITH

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W.P.(C) 4502/2023 & CM APPL.17238/2023

SHREYANSH VERMA THROUGH HIS NEXT FRIEND AND
NATURAL FATHER SH. DHEERAJ KANT VERMA

..... Petitioner

Through:

Mr. Ashok Agarwal, Mr. Kumar
Utkarsh, and Mr. Manoj Kumar,
Advocates.

Ms. Shyel Trehan, Mr. Rohan Poddar
& Ms. Shivalika Rudrabatla, Advs.

versus

UNION OF INDIA & ANR.

..... Respondents

Through:

Mr. Raj Kumar Yadav, Advocate for
UOI. (M:9818836222)
Mr. Kirtiman Singh, CGSC with Ms.

Vidhi Jain, Adv. for UOI.

(53)

WITH

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W.P.(C) 4526/2023 & CM APPL.17321/2023

MASTER LAKSHYAVED KALISHARAN

THROUGH HIS NEXT FRIEND

AND NATURAL MOTHER SHILPA RAMESH Petitioner

Through: Mr. Ashok Agarwal, Mr. Kumar Utkarsh, and Mr. Manoj Kumar, Advocates.

Ms. Shyel Trehan, Mr. Rohan Poddar & Ms. Shivalika Rudrabatla, Advs.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Kirtiman Singh, CGSC with Ms. Vidhi Jain, Adv. for UOI.

Mr. Virender Pratap Singh Charak and Ms. Shubhra Parashar Advocates for UOI.

(54)

WITH

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W.P.(C) 4535/2023 & CM APPL.17331/2023

MASTER CHINMAY BARUPAL THROUGH

HIS NEXT FRIEND AND NATURAL

FATHER SH. ASHOK KUMAR BARUPAL Petitioner

Through: Mr. Ashok Agarwal, Mr. Kumar Utkarsh, and Mr. Manoj Kumar, Advocates.

Ms. Shyel Trehan, Mr. Rohan Poddar & Ms. Shivalika Rudrabatla, Advs.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Kirtiman Singh, CGSC with Ms. Vidhi Jain, Adv. for UOI.

Ms Monika Arora (CGSC) , Mr Yash Tyagi , Adv & Mr Subhrodeep, Adv.

(55)

WITH

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W.P.(C) 4536/2023 & CM APPL.17333/2023

MADHAV SHARMA THROUGH HIS

NEXT FRIEND AND NATURAL

FATHER SH. NEERAJ SHARMA Petitioner
Through: Mr. Ashok Agarwal, Mr. Kumar
Utkarsh, and Mr. Manoj Kumar,
Advocates.
Ms. Shyel Trehan, Mr. Rohan Poddar
& Ms. Shivalika Rudrabatla, Advs.

versus

UNION OF INDIA & ANR. Respondents
Through: Mr. Sushil Raaja, SPC, UOI.
Mr. Kirtiman Singh, CGSC with Ms.
Vidhi Jain, Adv. for UOI.

(56)

WITH

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W.P.(C) 4538/2023 & CM APPL.17337/2023
SANDEEP KALIA Petitioner
Through: Mr. Ashok Agarwal, Mr. Kumar
Utkarsh, and Mr. Manoj Kumar,
Advocates.
Ms. Shyel Trehan, Mr. Rohan Poddar
& Ms. Shivalika Rudrabatla, Advs.

versus

UNION OF INDIA & ANR. Respondents
Through: Mr. Kirtiman Singh, CGSC with Ms.
Vidhi Jain, Adv. for UOI.
Mr. Mukul Singh CGSC, Ms. Ira
Singh, Adv. for R-1. (M:
9971359513)

(57)

WITH

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W.P.(C) 4539/2023 & CM APPL.17340/2023
RAJVEER SRIVASTAVA THROUGH HIS
NEXT FRIEND AND NATURAL FATHER
SH. RAJESH KUMAR RIVASTAVA Petitioner
Through: Mr. Ashok Agarwal, Mr. Kumar
Utkarsh, and Mr. Manoj Kumar,
Advocates.
Ms. Shyel Trehan, Mr. Rohan Poddar
& Ms. Shivalika Rudrabatla, Advs.

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Kirtiman Singh, CGSC with Ms. Vidhi Jain, Adv. for UOI.
Mr. Mukul Singh CGSC, Ms. Ira Singh, Advocate for R-1.

(58)

WITH

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W.P.(C) 4591/2023 & CM APPL. 17548/2023

VANSH THROUGH HIS NEXT FRIEND AND NATURAL
FATHER SH. VIPIN KUMAR Petitioner

Through: Mr. Ashok Agarwal, Mr. Kumar Utkarsh, and Mr. Manoj Kumar, Advocates.

Ms. Shyel Trehan, Mr. Rohan Poddar & Ms. Shivalika Rudrabatla, Advs.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Kirtiman Singh, CGSC with Ms. Vidhi Jain, Adv. for UOI.

Ms Monika Arora (CGSC) , Mr Yash Tyagi , Adv & Mr Subhrodeep, Adv.

Mr. Mukul Singh CGSC, Ms. Ira Singh, Advocate for R-1.

(59)

AND

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W.P.(C) 5102/2023 & CM APPL.19968/2023

PRANSHU NAMDAR THROUGH HIS NEXT FRIEND AND
NATURAL FATHER SH. PARIXIT NAMDHAR Petitioner

Through: Mr. Ashok Agarwal, Mr. Kumar Utkarsh, and Mr. Manoj Kumar, Advocates.

Ms. Shyel Trehan, Mr. Rohan Poddar & Ms. Shivalika Rudrabatla, Advs.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Ms. Ritu Reniwal (SPC UOI).

Ms. Prerna Dhall, Advocate of UOI.
(M: (8920466128)

(97)

WITH

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W.P.(C) 5726/2023 & CM APPL. 22436/2023

MASTER HARENDER THROUGH HIS NEXT FRIEND AND

NATURAL FATHER SH. SUNDER SINGH & ANR. Petitioners

Through: Mr. Ashok Agarwal, Mr.Kumar
Utkarsh & Mr. Manoj Kumar, Advs.
(M: 9811101923)

versus

UNION OF INDIA & ORS. Respondents

Through: Mr Neeraj, Mr Sahaj Garg & Mr
Vedansh Anand, Advocates for UOI.
Mr. Tanveer Oberoi, Advocate for
(AIIMS).

(100)

AND

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W.P.(C) 5753/2023 & CM APPL. 22528/2023

VINAY THROUGH HIS NEXT FRIEND AND NATURAL

FATHER SH. MEHAR SINGH Petitioner

Through: Mr. Ashok Agarwal, Mr.Kumar
Utkarsh & Mr. Manoj Kumar, Advs.
(M: 9811101923)

versus

UNION OF INDIA & ORS. Respondents

Through: Mr Atul Krishna Senior Panel
Counsel, Mr Hardik Bedi GP. (M:
8010414123)

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present batch of petitions has been filed by the Petitioners who are children suffering from Rare Diseases. The case of the Petitioners is that medicines and therapies for the said diseases are exorbitantly expensive. These matters have been heard by the Court from time to time and various directions have been issued for enabling treatment and making medicines

available to the Petitioners.

CM APPL. 7519/2023 in W.P.(C) 5315/2020

3. This is an application filed by AIIMS, New Delhi seeking permission to constitute the Centre of Excellence (COE) Rare Diseases Committee in place of the “two-member Rare Disease Committee” which was constituted pursuant to the directions passed by the Court on 23rd March, 2021.

4. It is submitted by Mr. Oberoi, Id. Counsel on behalf of AIIMS as also by Dr. Madulika Kabra, who has appeared virtually before the Court, that after the constitution of the two-member Rare Diseases Committee by this Court, since AIIMS was also notified as a Centre of Excellence under the National Policy for Rare Diseases, 2021, the Committee for Rare Diseases was constituted afresh within AIIMS, New Delhi. As on today, the proposed new COE Committee is as under:

Core Committee:

<i>S.No.</i>	<i>Name</i>	<i>Designation</i>
1.	<i>Dr. Madhulika Kabra Professor, Deptt. of Pediatrics & Head, Genetics Division</i>	<i>Chairperson</i>
2.	<i>Dr. Arvind Bagga Prof. & Head, Department of Pediatrics</i>	<i>Member</i>
3.	<i>Dr. Sidhartha Satpathy Prof. & Head, Deptt. of Hospital Administration</i>	<i>Member</i>
4.	<i>Dr. Vineet Ahuja Professor, Deptt. of Gastroenterology</i>	<i>Member</i>
5.	<i>Dr. Rakesh Lodha Professor, Deptt. of Pediatrics</i>	<i>Member</i>
6.	<i>Dr. Rajesh Khadgawat Professor,</i>	<i>Member</i>

	<i>Dept. of Endocrinology</i>	
7.	<i>Dr. Tulika Seth Professor, Deptt. of Hematology</i>	<i>Member</i>
8.	<i>Dr. Jitender Sodhi Assoc. Professor, Deptt. of Hosp. Admn. (Representative of M.S.)</i>	<i>Member</i>
9.	<i>Dr. Kanika Jain Asst. Professor, Deptt. of Hosp. Admn. (Representative of Stores)</i>	<i>Member</i>
10.	<i>Financial Advisor or his representative</i>	<i>Member</i>
11.	<i>F&CAO (Hospital Billing Section)</i>	<i>Member</i>
12.	<i>Administrative Officer, Legal Cell</i>	<i>Member</i>
13.	<i>Dr. Neerja Gupta Addl. Professor, Deptt. of Pediatrics</i>	<i>Member Secy.</i>

5. Upon a query being put to the Id. Counsel and also to Dr. Kabra as to how such a large Committee would be efficient especially in treatment of urgent cases of children with rare diseases, an assurance has been given by Dr. Kabra that the working of this Committee would be efficient and the number of members in the Committee would not in any way act as an impediment in taking quick decisions.

6. It is made clear that the proposal which has been put up by AIIMS has been approved by the Court subject to the condition that the decisions to be taken by the Rare Diseases Committee shall not be delayed or impeded in any manner by the size of the Committee.

7. The Committee is approved in the above terms.

8. The application is disposed of.

W.P.(C) 4495/2023 & CM APPL.17190/2023

W.P.(C) 4502/2023 & CM APPL.17238/2023

W.P.(C) 4526/2023 & CM APPL.17321/2023

W.P.(C) 4535/2023 & CM APPL.17331/2023
W.P.(C) 4536/2023 & CM APPL.17333/2023
W.P.(C) 4538/2023 & CM APPL.17337/2023
W.P.(C) 4539/2023 & CM APPL.17340/2023
W.P.(C) 4591/2023 & CM APPL. 17548/2023
W.P.(C) 5102/2023 & CM APPL.19968/2023
W.P.(C) 5726/2023 & CM APPL. 22436/2023
W.P.(C) 5753/2023 & CM APPL. 22528/2023

9. Issue notice in these petitions. Let the said children be examined in AIIMS within the next one week and a report be filed by the next date of hearing as to the feasibility of providing treatment to them.

10. List on 10th May, 2023 at 3:30 p.m.

CONT.CAS(C) 415/2022 & CM APPL. 18280/2022

W.P.(C) 4045/2021 & CM APPL. 12213/2021

W.P.(C) 4067/2021 & CM APPL. 12306/2021

W.P.(C) 4259/2021 & CM APPL. 12948/2021

W.P.(C) 4304/2021 & CM APPL. 13108/2021

W.P.(C) 4551/2021 & CM APPL. 13949/2021

W.P.(C) 4812/2021 & CM APPL. 14844/2021

W.P.(C) 5394/2021 & CM APPL. 16683/2021

W.P.(C) 5395/2021 & CM APPL. 16686/2021

W.P.(C) 9684/2021

W.P.(C) 14317/2021 & CM APPL. 45148/2021, 14521/2023

W.P.(C) 1182/2022 & CM APPL. 3442/2022

W.P.(C) 1054/2023 and CM APPL. 4164/2023

W.P.(C) 1079/2023 and CM APPL. 4248/2023

W.P.(C) 2614/2023

11. On 15th February, 2023, Minutes of Committee Meeting of BIRAC

dated 2nd February, 2023 were placed on record of the Court. As per the said minutes, BIRAC was bound by the Biotechnology Industry Partnership Programme (BIPP) and the Grant-in-aid Letter Agreement (GLA) and that it was mandatory for Hanugen to contribute 50% of the total project cost. On 6th March, 2023, the Court had referred the entire matter for developing indigenous therapies for rare diseases with Hanugen to the National Consortium for Research and Development on Therapeutics for Rare Diseases and directed it to place its recommendations before the Court.

12. On 20th April, 2023, the Court was informed that the ICMR is willing to fund the on-site trials directly, however, the manufacturing of the drug would have to be carried out by the company concerned and the cost of the same would also have to be borne by the said company. Accordingly, the Court had directed Hanugen to place its stand on record. The relevant portion of the order dated 20th April, 2023 reads as under:

“5. On behalf of ICMR, Dr. Nabendu Shekhar Chatterjee from ICMR is present in court, who submits that ICMR is willing to fund the on-site trials directly. However, the manufacturing of the drug would have to be carried out by the company concerned and the cost for the same has to be borne by the said company.

6. Today, the Court is being held virtually. The matter would require detailed hearing, inasmuch as the National Consortium’s report has also been placed on record.

7. In view of the submission of Dr. Nabendu Sekhar Chatterjee, let Hanugen Therapeutics place on record its affidavit as to whether it can fund the manufacturing of drugs or not by the next date of hearing.”

13. Today, Id. Counsel appearing for BIRAC submits that Hanugen Therapeutics has contacted BIRAC and informed that it has arranged its

share of the funds in terms of the GLA and that BIRAC is also willing to continue to honour the said agreement insofar as the trials and funding of the same by ICMR is concerned.

14. Ms. Trehan, Id. *Amicus Curiae* submits that Hanugen is intending to hold a meeting with ICMR in order to understand how the on-site trials can be funded by ICMR. The Id. *Amicus Curiae* also submits that Hanugen is in the process of arranging funds for its share of the amounts in terms of the GLA.

15. Accordingly, let Hanugen, BIRAC and ICMR file their respective affidavits by the next date of hearing as to how they intend to move forward both qua the GLA as also the funding by ICMR of the on-site trials.

16. A complete chart of the treatment which has been given to all the Petitioners in these cases is set out below:

Petitioners Suffering from Duchenne Muscular Dystrophy (DMD)

S. No.	Case No.	Petitioner Name	Last Date of Administration of medicine	Status of treatment
1	W.P.(C) 5315/2020	Master Arnesh Shaw	17-04-2023	Doses exhausted
2	W.P.(C) 322/2021	Keshav Sharma	10-04-2023	Doses exhausted
3	W.P.(C) 1611/2021	Lakshya Kumar Goyal	20-04-2023	Doses exhausted
4	W.P.(C) 3682/2021	Harshit Soni	08-04-2023	Doses exhausted
5	W.P.(C) 3689/2021	Dhananjay Bhardwaj	13-04-2023	Doses exhausted
6	W.P.(C) 3729/2021	Manish	18-05-2023	Receiving treatment
7	W.P.(C) 3729/2021	Chirag	01-06-2023	Receiving treatment
8	W.P.(C)	Siddharath	15-05-2023	Receiving

	3859/2021	Swarankar		treatment
9	W.P.(C) 4067/2021	Anshu	27-04-2023	Doses exhausted
10	W.P.(C) 4259/2021	Ishaan	08-04-2023	Doses exhausted
11	W.P.(C) 4812/2021	Nikhil Yogender Singh	05-04-2023	Doses exhausted
12	W.P.(C) 5394/2021	Udayveer Singh Guleria	09-05-2023	Receiving treatment
13	W.P.(C) 5395/2021	Master Ayushman Chaturvedi	11.04.2023	Doses exhausted
14	W.P.(C) 14317/2021	Shreyansh Aarav	03.04.2023	Doses exhausted
15	W.P. (C) 3737/2021	Shourya Maru	-	Eligible for both Sarepta and DART trial
16	W.P. (C) 3707/2021	Aarav Garg	-	child in UK, counselled about the treatment. Eligible for clinical trial
17	W.P.(C) 10782/2020	Aviraj Garg	-	Enrolled in Sarepta trial.
18	W.P.(C) 2614/2023	Karan	-	DMD patient, non- amenable to treatment.
19	W.P.(C) 3706/2021	Khushwant Bhardwaj	-	DMD patient, non- amenable to treatment
20	W.P.(C) 4045/2021	Utkarsh Indrajit Pawar	-	DMD patient, non- amenable to treatment
21	W.P.(C) 4551/2021	Shaurya Dahiya	-	DMD patient, non- amenable to treatment
22	W.P.(C) 1079/2023	Rudra Pawar	-	DMD patient, non- amenable to treatment
23	W.P.(C) 4304/2021	Tanav Handoo	-	DMD patient, non- amenable to treatment
24	W.P.(C) 3706/2021	Khushwant Bhardwaj	-	DMD patient, non- amenable to treatment

25	W.P.(C) 1054/2023	Master Tushar	-	Petitioner has been examined, Rs.50 lacs yet to be received.
26	W.P.(C) 4495/2023	Paras Jain	-	Examination yet to be done, Rs.50 lacs yet to be received.
27	W.P.(C) 4502/2023	Shreyansh Verma	-	Examination yet to be done, Rs.50 lacs yet to be received.
28	W.P.(C) 4526/2023	Master Lakshyaved Kalisharan	-	Examination yet to be done, Rs.50 lacs yet to be received.
29	W.P.(C) 4535/2023	Master Chinmay Barupal	-	Examination yet to be done, Rs.50 lacs yet to be received.
30	W.P.(C) 4536/2023	Madhav Sharma	-	Examination yet to be done, Rs.50 lacs yet to be received.
31	W.P.(C) 4538/2023	Sandeep Kalia	-	Examination yet to be done, Rs.50 lacs yet to be received.
32	W.P.(C) 4539/2023	Rajveer Srivastava	-	Examination yet to be done, Rs.50 lacs yet to be received.
33	W.P.(C) 4591/2023	Vansh	-	Examination yet to be done, Rs.50 lacs yet to be received.
34	W.P.(C) 5102/2023	Pranshu Namdar	-	Examination yet to be done, Rs.50 lacs yet to be received.
35	W.P.(C) 5726/2023	Master Harender	-	Examination yet to be done, Rs.50 lacs yet to be received.
36.	W.P.(C) 5726/2023	Master Virender	-	Examination yet to be done, Rs.50 lacs yet to be received.
37.	W.P.(C) 5753/2023	Vinay	-	Examination yet to be done, Rs.50 lacs yet to be received.

Petitioners Suffering from diseases other than DMD

S. No.	Case No.	Petitioner Name	Last Date of Administration of medicine	Status of treatment
38.	W.P.(C) 9684/2021	Aadhyan Jaiswal	Atypical HUS	By letter dated 07.02.2023 the patients father informed AIIMS that he was able to procure the medicines at a considerably lower cost than the cost at which AIIMS had received the supply. Accordingly, the vials procured by AIIMS were returned and the re-tender was initiated.
39.	W.P.(C) 1182/2022	Insha	Gaucher Disease	Drugs procured from all the fund received. Treatment ongoing.
40.	W.P.(C) 2943/2020	Alishba Khan	Gaucher Disease	Funds received utilised and no funds left to procure more drug. Treatment stopped since January, 2023.
41.	W.P.(C) 1491/2021	Master Medhansh	MPS II	Drugs procured from all the fund received. Treatment ongoing.
42.	W.P.(C) 1511/2021	Master Kenit	MPS II	Was on ERT since March 2022 till 27.3.23 through funds generated by crowd funding by parents
43.	W.P.(C) 3662/2021	Payel Bhattacharya	neuroendocrine cancer	for evaluation management.

17. As can be seen from the above chart, in respect of a large number of children, the treatment has commenced upon the release of the sum of Rs.50,00,000/- in terms of the National Policy for Rare Disease *qua* the said Petitioner. However, in respect of some of the children, even the initial sum of Rs.50,00,000/- has not been received yet. Accordingly, in respect of the Petitioners at serial nos.25 to 37, the sum of Rs.50,00,000/- each shall now

be released within a period of one week to AIIMS, New Delhi.

18. In the meantime, order for the supply of medicines for these children shall be placed by AIIMS with the supplier so that by the time the funds are received, medicines can also be received and the treatment can be commenced immediately.

19. Insofar as those children for whom the funds are stated to have been exhausted, a number of parents and counsels have made submissions today. Illustratively, in respect of Alishba Khan, the Petitioner in *W.P.(C) 2943/2020*, it is submitted that since the treatment was stopped in January, 2023, she has lost her hearing capacity and had to undergo surgery in AIIMS.

20. In respect of Master Keshav Sharma, the Petitioner in *W.P.(C) 322/2021*, his father is present in Court and submits that he is now almost bed ridden and his mobility has been severely impaired and he can only walk with support now.

21. Insofar as the Petitioner in *W.P.(C) 5395/2021*, *i.e.*, Master Ayushman Chaturvedi is concerned, his parents have complained that out of the entire doses that was to be administered, one vial has not been administered and the treatment has since stopped as of 11th April, 2023. Dr. Kabra and Dr. Kanika from AIIMS, who have appeared virtually, seek to explain the same by stating that there was a shortage in the vial which was received from the supplier and they are following up with the supplier for the same.

22. In the present batch of cases, the Court faces an extreme situation where almost 40 children who are before the Court, are likely to suffer physical and mental injury and deterioration of health if further funds are not

released for their treatment.

23. It has been noticed vide orders dated 23rd March, 2021 and 30th January, 2023 that a large amount of funds were, in fact, allocated for rare diseases. However, the budgets lapsed and the amounts were not released. Repeated orders of this Court for release of further amounts have not been acceded to by the Ministry.

24. The budgeted amounts which had lapsed are discussed in order dated 23rd March, 2021 which reads as under:

“14. Insofar as the Ministry of Health and Family Welfare, Union of India, is concerned, in terms of the order dated 2nd March 2021, a short affidavit in respect of the budget that was allocated for Health and specifically directed for Rare Diseases has been filed. The relevant extract from the said affidavit which has been deposed by Mr. Pulkesh Kumar, Deputy Secretary, Ministry of Health & Family Welfare, are set out below:

“3. That the name of the scheme under which assistance is being provided is by the name "Assistance for Hospitalization of Poor Patients Suffering from Rare-Diseases" which is a component of the scheme namely Rashtriya Arogya Nidhi (RAN) which was specifically introduced in RE 2018-19.

4. That further, the details of BE, RE and expenditure in respect of rare diseases component under the Umbrella Scheme of Rashtriya Arogya Nidhi (RAN) are as under:

(in Rs. crore)

Sr. No.	Year	Budget Estimate (BE)	Revised Estimates (RE)	Expenditure
1	2018-19	Nil	7.50	Nil
2	2019-20	100.00	25.00	1.30
3	2020-21	77.32	10.00	5.90
4	2021-22	25.00	Nil	Nil

5. It may be seen from the above table that:
- i. In the year 2018-19, allocation for the component for rare diseases was 7.50 crore at RE stage. However, no expenditure was made;
 - ii. In the year 2019-20, allocation for the rare diseases was 100.00 crore at BE, 25.00 crore at RE stage and the expenditure was 1.30 crore;
 - iii. In the year 2020-21, allocation for the rare diseases was 77.32 crore at BE, 10.00 crore at RE stage and the expenditure till date is 5.90 crore;
 - iv. In the year 2021-22, allocation for the rare disease is 25.00 crore under BE.””

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18. Secondly, the affidavit of Ministry of Health and Family Welfare, Union of India, also reveals that almost Rs. 200 crores were budgeted for the purpose of expenditure in respect of Rare Diseases. The affidavit shows that the expenditure that has already been incurred is only to the tune of Rs.7 crores over the last three years.”

25. A perusal of the above would show that the lapse of budget has also been confirmed in the affidavit by Ministry of Health and Family Welfare, Union of India to the tune of almost Rs. 193 crores. The said affidavit also demonstrated that as against the elapsed budget, only a sum of Rs.7 crores was spent between 2018 till 2021.

26. Vide orders dated 15th February, 2023, further amount of Rs.5 crores was directed to be released by the Ministry of Health & Family Welfare, Union of India. The said direction was reiterated in order dated 6th March, 2023. However, the said amount has not been released till date.

27. The Union of India has also filed *LPA 364/2023* titled *Union of India v. Alishba Khan* before the Id. Division Bench of this Court, challenging the above two orders. This Court has been informed that no stay on the said two

orders has been granted and the Id. Division Bench has also clarified that the pendency of the LPA would not come in the way of this Court hearing the matters further.

28. Under such circumstances, the Court cannot turn a blind eye to the medical condition of 40 children who are Petitioners before the Court. The medicines which have already been administered, their effectiveness would also be completely obliterated if further doses are not continued for the said children.

29. Under these circumstances, the Secretary, Ministry of Health & Family Welfare shall physically remain present in Court on the next date of hearing.

30. On the next date, the Court shall consider whether notice of contempt ought to be issued in these matters.

31. Insofar as the case of Master Ayushman Chaturvedi is concerned, the Court is compelled to observe that the Rare Diseases Committee in AIIMS, New Delhi is expected to act with alacrity in all these matters and not to take matters in a cavalier manner.

32. Let the said vial be obtained from the supplier and be administered as expeditiously as possible.

33. All the children who have been administered the medicines shall also be physically evaluated and a status report of their medical condition shall be placed on record by the next date of hearing.

34. List on 10th May, 2023 at 3:30 p.m.

PRATHIBA M. SINGH
JUDGE

MAY 03, 2023

dj/sk