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

+ W.P.(C) 11269/2021

SEEMA & ORS.

..... Petitioners

Through Ms. Jayshree Satpute, Ms. Tripti Poddar and Ms. Aakanksha Badkur, Advs.

versus

UNION OF INDIA & ORS.

..... Respondents

Through Ms. Suparna Srivastva, CGSC with Ms. Dacchita Shahi, Adv. for respondents – 1 & 2. Mr. Gautam Narayan, ASC for GNCTD for respondent nos. 3 to 5.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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05.10.2021

CM APPL. 34685/2021

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. This petition has been preferred by four women who are stated to be in the third trimester of their pregnancy, seeking the following directions:

“a. Issue a Writ in the nature of mandamus or any other appropriate Writ directing the Respondents to provide critical services and entitlements mandated by law to the Petitioners during their pregnancy, delivery and post-partum period.

b. Issue a Writ in the nature of mandamus or any other

appropriate Writ directing the Respondents to ensure availability of a COVID 19 protocol compliant specialized maternal care (or obstetric care) centers in hospitals in Delhi for pregnant women, and lactating mothers.

c. Issue a Writ in the nature of mandamus or any other appropriate Writ directing the Respondents to immediately release PMMVY entitlements amount due to the Petitioners.

d. Issue a Writ in the nature of mandamus or any other appropriate Writ directing the Respondents to issue guidelines to private hospitals to ensure access to free-of-cost health services to pregnant women, and lactating mothers, from socio-economically marginalized communities.

e. Issue a Writ in the nature of mandamus or any other appropriate Writ directing the Respondents to operate a specialized helpline, connected with an ambulance, for pregnant women, and lactating mothers, to be able to access health facilities of their choice, during the ongoing pandemic.

f. Issue a Writ in the nature of mandamus or any other appropriate Writ directing the Respondents to provide adequate COVID 19 protective gear to frontline health workers, and health insurance to frontline health workers, to enable them to provide services to pregnant women and lactating mothers, during the ongoing COVID-19 pandemic.

g. Direct the Respondents to provide litigation costs associated with this Petition along with appropriate compensation for the mental, physical and economic hardships endured by Petitioners.

h. Pass any other/ further orders as this Hon'ble court may deem fit and proper.”

4. Learned counsel for the petitioners submits that on account of the surge of cases due to covid-19 pandemic in the country, in the recent

past, most of the government-run hospitals have been discouraging pregnant women from making physical visits to the hospitals, and even now, when they do visit the hospitals for necessary medical check-up in view of the improved covid-19 situation, they are not being meted out the urgent and compassionate medical care and treatment which they expect from a hospital. She submits that while there is scheme in place for providing financial assistance to pregnant women belonging to economically backward classes, namely the Pradhan Mantri Matru Vandana Yojana (PMMVY), the petitioners are being restrained from availing the benefits of the said scheme on the ground that they had not registered themselves under the Scheme within the time period prescribed thereunder.

5. She contends that while refusing to disburse the amount due to the petitioners under the PMMVY scheme, the respondents have overlooked the fact that for the last few months, they were neither fully aware of this mandatory stringent condition to claim the assistance assured to them under the said scheme, nor were they encouraged to visit the hospitals and health care centres during the covid-19 pandemic, and therefore, owing to the risk involved to the health of the petitioners, the respondents ought to take a compassionate view of the matter and release the amount due under the Scheme to them at the earliest. She further prays for all the government-run hospitals to be sensitized to such issues so as to ensure that pregnant women like the petitioners, are not made to run from pillar to post to avail such assistance, as has been assured by the government under such schemes.

6. Issue notice. Ms. Srivastava and Mr. Narayan accept notice on behalf of respondent nos. 1 & 2 and respondent nos. 3 to 5 respectively. They pray for, and are granted, two weeks' time to obtain instructions/file counter affidavits. Rejoinder(s) thereto, if any, be filed within a week.
7. Mr. Gautam Narayan, learned counsel for respondent nos. 3 to 5, submits that since the petitioners have not disclosed the name of any hospital where they claim to have faced such hardship as alleged in the petition, they be directed to disclose the names of the hospitals where they claim to have not been given the adequate medical attention.
8. Learned counsel for the petitioners prays for, and is granted, one week's time to file an additional affidavit setting out the names of the hospitals where the petitioners claim to have received inadequate medical care and attention.
9. List on 28.10.2021.

REKHA PALLI, J

OCTOBER 5, 2021

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