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

CNR No. DLHC010174572024

+ **W.P.(C) 4854/2024**

BISHMEET KAUR

.....Petitioner

Through: Mr Piyush Gupta, Mr Atishay Jain,
Mr Mustafa Alam, Mr Vipul Jain, Mr
Amit Garg, Ms Liza Paras and Mr
Kapil Goyal, Advs.

versus

GOVT. OF NCT OF DELHI & ORS.

.....Respondents

Through: Ms Nitika Bhutani, Panel Counsel for
GNCTD.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

01.09.2026

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1. By way of the present writ petition, the petitioner seeks following reliefs:

- (i) Issue writ of mandamus or appropriate writ, order to Respondents to operate Petitioner for hysterectomy thereby relieving her and her parents from mental agony which they have to face each passing day.
- ii) Direct the Respondents to do the needful surgery in a time bound manner in the interest of justice as it is adversely affecting Petitioner's parents mental state."

2. Briefly stated the facts of the present case are that the petitioner is an adult lunatic child born on 21.03.2005. It is stated that the petitioner is suffering from Cerebral Palsy with spastic moderate hemiparesis with moderate mental retardation (IQ-42). The petitioner is also mentally disabled, having 83% disability, which is permanent in nature and the



condition is non-progressive and re-assessment is not recommended. It is further stated that because of acute physical and medical condition, the petitioner is dependent on her parents for her daily chores. Her parents are her caregivers. It is stated that since the petitioner has stepped into age of adolescence, she has developed hormonal changes. Further, during the menstrual cycle, she is highly uncooperative and does not understand importance of being hygienic during this time. Further, menstrual hygiene, discomfort, and sleep disturbance associated with menses makes the situation highly traumatic for the parents, who cannot see their kid in such a disturbed state. It is stated that the petitioner's parents being worried on how to raise their daughter, had visited Deep Chand Bandhu Hospital on 26.02.2024 to evaluate hysterectomy (Removal of Uterus) since they have extreme difficulty in managing her during Menstruation period. It is further stated that the Doctors at length had discussed few other options like (mirena insertion) with the parents, which is a T- shaped' plastic device, inserted into the uterus to avoid pregnancy but after at length discussions, doctors were convinced with hysterectomy (Removal of Uterus) with the fact that she is suffering from serious mental and physical illness but advised parents to seek permission of this Court, as the doctors have advised them to do so, as per MCI rules. The treating doctors had also sought neurology opinion for surgery under anesthesia which has been obtained and annexed with the petition. The treating doctors have further advised that post this surgery, the petitioner would no longer require certain medication to manage hormonal dis-balance.

3. Hence, the petitioner has approached this Court, to issue directions to the respondents to operate the petitioner for hysterectomy in a time bound



manner.

4. The learned counsel appearing for the respondents relies upon a Circular dated 16.10.2023 and states that since the child, who has to undergo hysterectomy, is a special child. Therefore, the doctors concerned had refused to perform surgery, since the mortality rate when such surgeries are conducted is 1-2 per 1000 operations.

5. Having gone through the Notification dated 16.10.2023, this Court is of the opinion that this does not concern the issue in question. Rather the question should be posed to the Delhi Government itself that despite the Notification of the Government of India, issued on 16.10.2023, wherein guidelines to prevent unnecessary Hysterectomies and perform a data collection for Hysterectomy were shared with all States/UTs for proper implementation and strict compliance and to constitute the State and District level Hysterectomy Committees as mentioned in the guidelines, why no such Committee has not been constituted yet, which, if constituted, could have had some answers for such parents with special children.

6. At this stage, the learned counsel appearing for the respondents seeks time to take instructions.

7. At her request, list on 08.09.2026.

8. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J
SEPTEMBER 01, 2026/A/VS