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

Date of decision: 18th October, 2019

+ W.P.(C) 4552/2016

SANJAY TIWARI Petitioner

Through: Mr. Akash Chatterjee, Adv.with
Mr. Vivek Narayan Sharma, Adv.

versus

GOVT. OF NCT OF DELHI & ORS Respondents

Through: Mr.Satyakam, ASC for R-1 & 2
Ms. Pragya Puri, Adv. for R-3
Mr.Prateek Dhanda, Adv. for UOI

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER
18.10.2019

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D.N. PATEL, CHIEF JUSTICE (ORAL)

1. This Public Interest Litigation has been preferred with the following prayers:

“(I) Issue a writ of Mandamus and/or any other appropriate writ directing Respondents – the Ministry of Health & Family Welfare to issue new guidelines, rules and regulations for treatment of mentally disabled/persons with special need in private hospitals.

(II) Direct the Private Hospitals/Clinical Establishments to facilitate a separate department for treatment of Persons with mental illness and special needs.

(III) Pass any other or further orders, as this Hon'ble Court may deem fit and proper."

2. Having heard learned counsel for both the sides and looking to the facts and circumstances of the case, it appears that the main grievance ventilated in this writ petition is about the treatment to be given to the mentally disabled/persons with special need in private hospitals.

3. Looking to the facts and circumstances of the case and the counter-affidavit filed by Respondent No.1, it appears that as per the Delhi Nursing Home Registration Act, 1953, the registration of the Nursing Home is a must. Rules have been enacted under this Act, known as Delhi Nursing Home Registration Rules, 2011, and clause 14.2 thereof, reads as under:

"14.2 The nursing home shall not refuse treatment to the injured/serious patients brought to them due to any reason, whatsoever."

4. In view of the aforesaid provisions, now there shall be no discrimination in giving treatment to mentally disabled/persons with special need in the private hospitals.

5. Moreover, looking to the counter-affidavit filed by Respondent No.1, as stated in para 16 of the said affidavit, several advisories have also been issued by the respondents for giving equal treatment to the persons including for the mentally disabled/persons with special need in the hospitals, including private hospitals.

6. Thus, we see no reason to give further direction/guidance to the respondents.

7. Now, the only question left out is about strict implementation of the law, rules, regulations, policies and the advisories enacted/issued for the benefits of the persons whose grievances have been ventilated in this

writ petition.

8. If any individual case is brought to the notice of the respondents for the breach of any law, rules, regulations, or policies evolved by the respondents, the action shall be initiated by the respondents against the erring hospital(s), or their management, or against doctors, in accordance with law, rules, regulations and Government policies applicable to the facts and circumstances of the case, and after giving an adequate opportunity of being heard to the noticee(s).

9. With these observations, this writ petition is hereby disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J.

OCTOBER 18, 2019

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