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

+ W.P.(C) 3398/2020 & CM APPL. 12072/2020

DR. MANNI HINGORANI

..... Petitioner

Through: Dr. Aman Hingorani and Mr.
Himanshu Yadav, Advocates.

versus

GOVT (NCT) OF DELHI AND ANR.

..... Respondents

Through: Mr. Satyakam, ASC for GNCTD.
Mr. B.S. Shukla, CGSC for UOI.
Mr. Anand Varma, Advocate for
AIIMS.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **16.06.2020**

1. The hearing was conducted through video conferencing.
2. According to the Counter Affidavit filed by AIIMS, it is mandatory for the COVID-19 test to be carried out in cases of emergency surgical procedures from an ICMR authorised laboratory. Apropos elective surgery, the government's guidelines suggest a deferment of such medical intervention, as far as possible.
3. So it is clear that for emergency procedures, the COVID-19 test is essential.
4. The learned counsel for AIIMS, submits that it would not only be prudent but indeed necessary to ensure that a test is carried out on any patient who undergoes surgery, whether emergency or elective

procedure.

5. Mr. Satyakam, the learned ASC for GNCTD, submits that in Delhi particularly, special measures have been undertaken and the GNCTD needs to be extra cautious of not exposing its already constrained resources for further tests for elective procedures. He submits that nevertheless, in the last few days, the facility of testing labs/centres has been augmented and private hospitals too, have been permitted to carry out the COVID-19 test.
6. The learned ASC for GNCTD and the learned counsel for AIIMS and for the UOI, submit that at the moment the capacity of the State to undertake COVID-19 test is already stretched, therefore it would be prudent for all parties, including medical professionals, to defer elective procedures to a stage where the spread of pandemic is manageable/under better control. For emergency and elective surgery, the procedure has already been duly defined in the Circular issued by the Ministry of Health and Family Welfare, Government of India, on 03.06.2020.
7. The learned counsel for the petitioner submits that there may be an occasion for an urgent elective surgery. However, by definition, the same would be considered an emergency case and would, therefore, be covered under the circular dated 03.06.2020 of the Ministry of Health and Family Welfare, Government of India.
8. Mr. B.S. Shukla, the learned CGSC for UOI and Mr. Varma, the learned counsel for AIIMS submit that the guidelines in the circular dated 03.06.2020 duly cover cases for emergency ENT operations under Clause B which is protocol for ENT and Head & Neck Surgery.

It states, *inter alia*, that patients should be screened for COVID-19 before admission to emergency surgery. It also refers to Annexure 1 of the said guidelines.

9. The petition, alongwith pending application, is disposed-off in terms of the above.

10. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through email.

NAJMI WAZIRI, J

JUNE 16, 2020/AB