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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 5188/2014
SARVESH

..... Petitioner

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

versus

ALL INDIA INSTITUTE OF MEDICAL SCIENCES & ORS.

..... Respondents

Through: Mr.Satya Ranjan Swain and
Mr.Kautilya Birat, Advs for R-
1.

Ms. Monika Arora, CGSC with
and Mr.Yash Tyagi,
Mr.Subhrodeep, Advs. for UOI.
Mr.Tushar Sannu and
Mr.Devvrat Tiwari, Advs. for
GNCTD.

Mr.T. Singhdev, Mr. Abhijit
Chakravarty, Mr.Tanishqu
Srivastava, Mr. Bhanu Gulati,
Ms.Ramanpreet Kaur,
Mr.Aabhash Sukhramani,
Mr.Anum Hussain, Advs. for
Amicus curiae.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

25.07.2023

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1. The learned counsel for the petitioner prays for leave of this Court to withdraw the present petition.
2. While the leave is granted, at the same time, it is noted that the present petition has raised an issue of vital public interest in relation to the patients belonging to the poor strata of society and those who belong to the category of Below Poverty Line (in short 'BPL') and Economically Weaker Sections (in short 'EWS') of the Society being granted a hassle-free treatment in the hospitals. In this regard, this Court by its order dated 27.11.2014 had observed as under:

“Learned counsel for the petitioner has handed over a note to the learned counsel for the respondent. He has pointed out certain procedural difficulties being faced by patients. Although certain suggestions have been made, I do not think it appropriate to comment upon them at this stage since the same relate to the internal systems to be put in place by the respondents in their respective organizations and the respondents should have complete freedom in addressing the issues in the manner as they deem fit.

In the circumstances, it is appropriate that an affidavit be filed on behalf of AIIMS indicating the manner in which the patients such as the petitioner can access the medical facilities without going through the turmoil as pointed out by the learned counsel for the petitioner. The learned counsel for respondent No.2 &3 shall also take note of the travails the petitioner has had to undergo, and come up with a solution to streamline the procedure required in such cases. The same can then be disseminated widely including on the relevant website so that the patients are aware as to what is expected of them.”

3. Thereafter, the respondent no.1 filed a status report on the above-said aspect.

4. On 04.03.2015, this Court further directed the parties to address the Court on the way forward so that a single-window mechanism can be put in place, at each public hospital, for the patients belonging to economically weaker sections of the society. The order *inter-alia* directed as under:

“.... Therefore, parties on the next date of hearing will address the court on the way forward so that a single-window mechanism can be put in place, at each public hospital for patients belonging to economical weaker sections of the society. The counsels for the parties will prepare a note in that behalf and place it before the court. In so far as the respondents are concerned, they will have their notes placed before the court after they are duly vetted by appropriate authorities at the requisite level.

The order passed today will be placed by the learned counsel for the respondents before the following relevant authorities for their respective purposes :- Director, AIIMS; Secretary, Ministry of Health, Union of India; and Principal Secretary (Health), Government of NCT of Delhi.”

5. Keeping in view the issue involved, this Court, vide order dated 17.03.2016, also requested Mr.T. Singhdev, learned Advocate, to act as an Amicus Curiae.

6. On 19.01.2018, this Court passed the following order:

*“1. Mr Singhdev, the learned amicus curiae has referred to the earlier decision of the Coordinate Bench of this Court in **Mohd. Ahmed (Minor) v. Union of India & Ors.: W.P.(C) 7279/2013 decided on 17.04.2014**, where certain suggestions had been made by the Court. One of the suggestions was that each hospital should have a designated officer to whom applications for assistance can be made by the patients in need. The decision as to whether a patient is eligible for financial assistance should be left to the Medical Superintendent/CEO of the hospital along with Heads of the Department. This Court also suggested that the Government Hospitals put up the list of drugs, implants and devices required for patients under the EWS/BPL category (on the State Department of Health website). This would enable other people to provide the necessary funds for the same in the event they desired to do so.*

2. Further, this Court had also suggested that revolving funds be established for taking care of the recurring expenditure of the patients suffering from chronic and rare diseases.

3. In addition to the aforesaid suggestions, the learned amicus curiae has also suggested that the form and procedure for obtaining financial assistance under the Delhi Arogya Kosh Scheme be simplified. Two suggestions made by the learned amicus curiae that appeal to this Court are that (i) the patients not be called upon to obtain quotations from three different vendors for the required implants in

order to seek financial assistance. The list of approved prices/vendors are, in any case, available with the government procurement agencies and the same can be used by the concerned officer rather than calling upon the patient to submit quotations for the devices or implants, and (ii) that the form should be simplified and be also made available in Hindi.

4. The Government of NCT of Delhi is directed to examine the above and file a status report, indicating as to the status of implementation of the aforesaid and the time frame within which the same can be implemented. The report may also indicate the impediments, if any, in implementing the aforesaid suggestions. Let a status report be filed within a period of six weeks from today.”

7. However, due to the outbreak of the Covid-19 pandemic, the present petition could not be proceeded further.

8. Now, as the petitioner is praying for leave of this Court to withdraw the present petition, in my opinion, as this petition has raised an important issue of significant public importance, the present petition should be converted and treated as a Public Interest Litigation.

9. Subject to the orders of Hon’ble the Chief Justice, the petition be re-numbered as a Public Interest Litigation, and be listed before the appropriate Division Bench of this Court, on 3rd August, 2023.

10. Mr.Ashok Kumar Aggarwal, learned Advocate appearing for the petitioner, alongwith Mr.T. Singhdev, the learned Amicus Curiae, are requested to assist this Court on the issues that have been flagged by the Court in its above orders.

NAVIN CHAWLA, J

JULY 25, 2023/Arya/AS

Click here to check corrigendum, if any