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

+ CONT.CAS(C) 17/2019

BEJON KUMAR MISRA

..... Petitioner

Through: Mr.Shashank Deo Sudhi, Advocate.

versus

VIJAY KUMAR DEV & ANR

..... Respondents

Through: Mr.Santosh Kr Tripathi, SC (Civil) GNCTD with Mr.Anuj Aggarwal, ASC, Ms.Arshya Singh, Mr.Siddhant Dutt, Mr.Pradyumn Rao, Mr.Kartik and Ms.Prashansa, Advocates along with Mr.Saurabh Bharadwaj, Health Minister, GNCTD.

Mrs. Avnish Ahlawat (Standing Counsel GNCTD Services) with Mr.N.K Singh, Mrs.Palak Rohmetra Advocate, Mr. Mohnish Sehrawat, Advocates along with Dr.S.B. Deepak Kumar, IAS (Secretary, Health and Family Welfare (in Person).

+ W.P.(C) 11902/2018

SANGEETA BANERJEE

..... Petitioner

Through: Mr.Deepak Kumar Singh, Advocate.

versus

GOVT OF NCT OF DELHI & ORS.

..... Respondents

Through: Ms.Anubha Bhardwaj, CGSC with Mr.Dev P.Bhardwaj and Mr.Dhruv Kothari, Advocates for R-2 and 3.

+ W.P.(C) 83/2018

NIDHI GUPTA

..... Petitioner

Through: Petitioner-in-Person.

versus



GOVT. OF NCT OF DELHI AND ANR.

..... Respondents

Through: Mr.Santosh Kr Tripathi, SC (Civil)
GNCTD with Mr.Anuj Aggarwal,
ASC, Ms.Arshya Singh, Mr.Siddhant
Dutt, Mr.Pradyumn Rao, Mr.Kartik
and Ms.Prashansa, Advocates along
with Mr.Saurabh Bharadwaj, Health
Minister, GNCTD.

Mrs. Avnish Ahlawat (Standing
Counsel GNCTD Services) with
Mr.N.K Singh, Mrs.Palak Rohmetra
Advocate, Mr. Mohnish Sehrawat,
Advocates along with Dr.S.B. Deepak
Kumar, IAS (Secretary Health and
Family Welfare (in Person).

Mr.Anuj Aggarwal, ASC, GNCTD.

+ **W.P.(C) 9283/2018 & CM APPLs.28592/2020 and 16566/2021**

BEJON KUMAR MISRA

..... Petitioner

Through: Mr.Shashank Deo Sudhi, Advocate.
versus

GOVERNMENT OF NCT OF DELHI & ANR

..... Respondents

Through: Mr.Santosh Kr Tripathi, SC (Civil)
GNCTD with Mr.Anuj Aggarwal,
ASC, Ms.Arshya Singh, Mr.Siddhant
Dutt, Mr.Pradyumn Rao, Mr.Kartik
and Ms.Prashansa, Advocates along
with Mr.Saurabh Bharadwaj, Health
Minister, GNCTD.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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21.03.2024

1. In pursuance to the last order, the Health Minister (GNCTD) and the Health Secretary are personally present. The concerned papers and the files



have been shown to this Court.

2. It seems there is a difference of opinion as to whether pending approval of the proposed local draft legislation by Central Government the Central Clinical Establishment Registration Regulation Act, 2010 needs to be implemented.

3. Learned counsel for the Petitioner states that due to inaction on the part of the Health Minister and the Health Secretary, the pathological laboratories continue to remain unregulated as they are still governed by Delhi Shops and Establishment Act, 1954. He further states that the Respondents have been playing with precious life of innocent people by allowing unqualified medical practitioners to sign pathological reports. He alleged that the common people have been placed at the mercy of untrained and incompetent personnel.

4. The Health Minister and the Health Secretary pray for some time to examine the aspects highlighted during the hearing. They assure and undertake to this Court that a proper, fair and reasonable system of regulation of pathology labs shall be put in place at the earliest. At request, list on 4th April, 2024.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

MARCH 21, 2024/TS