

ITEM NO.33

COURT NO.14

SECTION XVII-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

MISCELLANEOUS APPLICATION DIARY NO. 30408/2024

[Arising out of impugned final judgment and order dated 05-07-2024
in C.A. No. 8402/2016 passed by the Supreme Court of India]

ASIT BARAN MONDAL & ANR.

PETITIONER(S)

VERSUS

DR. RITA SINHA MBBS MS (OBST. GYNAE) & ORS.

RESPONDENT(S)

[TO BE MENTIONED.]

IA No. 180620/2024 - EXEMPTION FROM FILING O.T.

IA No. 277011/2024 - EXEMPTION FROM FILING O.T.

IA No. 245842/2024 - EXEMPTION FROM FILING O.T.

IA No. 193928/2024 - EXEMPTION FROM PERSONAL APPEARANCE

IA No. 186421/2024 - EXEMPTION FROM PERSONAL APPEARANCE

Date : 18-09-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) : By Courts Motion

Mr. Karan Bhariohoke, Amicus Curiae

For Respondent(s): Ms. Aishwarya Bhati, A.S.G.

Ms. Shivika Mehra, Adv.

Mr. Annirudh Sharma-(ii), Adv.

Mr. Abhijeet Pandove, Adv.

Ms. Seema Bengani, Adv.

Mr. Raman Yadav, Adv.

Mr. Anirudh Singh, Adv.

Mr. Sudarshan Lamba, AOR

Mr. Ankit Roy, AOR

Ms. Nimisha Menon, Adv.

Ms. Mrinalini Ramesh, Adv.

Mr. Sarvesh Singh Baghel, AOR

Mr. D. L. Chidananda, AOR

Mr. Nishe Rajen Shonker, AOR

Mrs. Anu K Joy, Adv.

Mr. Alim Anvar, Adv.

Mr. Santhosh K, Adv.

Mrs. Devika A.l., Adv.

Mr. Sabarish Subramanian, AOR

Mr. Prasenjeet Mohapatra, AOR

State of Meghalaya Mr. Avijit Mani Tripathi, AOR

Mr. T.K. Nayak, Adv.

Mr. Shuvodeep Roy, AOR

Mr. Deepayan Dutta, Adv.

Mr. Saurabh Tripathi, Adv.

State of Sikkim

Mr. Sameer Abhyankar, AOR

Ms. Ripul Swati Kumari, Adv.

Ms. Yachna Sharma, Adv.

Mr. Aakash Thakur, Adv.

Mr. Krishna Rastogi, Adv.

Ms. Disha Singh, AOR

Ms. Eliza Bar, Adv.

Mr. Kartikeya Rastogi, DAG

Ms. Inderdeep Kaur Raina, Adv.

Mr. Rohit Bansal, AOR

Ms. Misha Rohatgi, AOR

Mr. Nakul Mohta, Adv.

Mr. Amulya Upadhyay, Adv.

Mr. Aditya Dhingra, Adv.

Mr. Kunal Mimani, AOR

Mr. Parag Chaturvedi, Adv.

Mr. Aravindh S., AOR

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Ms. Indira Bhakar, Adv.
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Mr. Tadimalla Bhaskar Gowtham, Adv.
Mr. Krishna Kant Dubey, Adv.
Mr. Harish Pandey, Adv.
Mr. Shashwat Parihar, Adv.
Ms. Priyadarshni Priya, Adv.
Ms. Sansriti Pathak, Adv.
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Mr. Amit Kumar Chawla, Adv.
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Mr. Varun Varma, Adv.
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Mr. Gaurav Yadava, Adv.
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Mr. Milind Kumar, AOR

Mr. Raghvendra Kumar, AOR
Mr. Rajiv Kumar Choudhry, AOR

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Ms. M. Harshini, Adv.

Mr. Ishwar Singh, Adv.
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Mr. Sumit Kumar, Adv.
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Mr. Amit Kumar Singh, Adv.
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Mr. Abhimanyu Tewari, AOR
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State of Goa

Mr. Vinod Kumar, Adv.
Mr. Krishna Pandey, Adv.
Mr. Rajeev Kumar Dubey, Adv.
Ms. Aditi Mishra, Adv.
Mr. Kamendra Mishra, AOR

UPON hearing the counsel, the Court made the following

O R D E R

The matter has been listed at the instance of the Court. The reason for the same being that the Court felt that Ms. Aishwarya Bhati, learned Additional Solicitor General (ASG) and learned *Amicus Curiae*, who ultimately had the responsibility of submitting a filtered report based on the inputs from the exercise as directed in our order dated 19.08.2025, to be carried out by the States and the Central Government, on basic common issues, which are not only feasible but also practicable to be

implemented, would be in a better position if a professional from a medical field was also co-opted.

2. Accordingly, we had indicated to learned ASG when the matter was taken up in the forenoon session today, to get in touch with Dr. Nitish Naik, Professor, Department of Cardiology, All India Institute of Medical Sciences, New Delhi, and request him to come to the Court in the post lunch session at 2.00 p.m.

3. Pursuant thereto, he is present and informs us that he has been briefly acquainted with the background of the case. However, we understand the limitation in the sense that he did not have sufficient time to be fully briefed and updated in the matter.

4. Be that as it may, we are glad to note that Dr. Naik has agreed to be the third member of the Committee, already consisting of Ms. Aishwarya Bhati, learned ASG and Mr. Karan Bharihoke, learned *Amicus Curiae*, which would finally make its suggestions to the Court on the issues concerned. To that extent, Paragraph No. 11 of the order dated 19.08.2025 stands suitably modified.

5. The order dated 19.08.2025 is very clear with regard to the exercise that had to be undertaken by the State Governments as well as the Central Government and also the modalities thereof. Though, today before the Court, the learned ASG and learned *Amicus Curiae* submitted that

the Centre has carried out such exercise and also submitted its report, but no report from any of the States has yet been received by them. They expressed the apprehension that if the same is not done at an early date, they would not be in a position to do justice in the matter and come up with their final report, factoring all the suggestions which may come from the reports to be submitted by the States.

6. Learned counsel for some of the states, who are present, assure the Court that the process is already on and the reports would be submitted shortly. We would not like to keep the issue uncertain. Accordingly, we direct that the exercise as indicated in the order dated 19.08.2025 to be undertaken by the States should be completed as per the modalities indicated in the said order latest by 30.09.2025, if not already done. Thereafter, the reports shall be forwarded to learned ASG latest by 05.10.2025. We make it clear that if the same is not done, consequences as indicated in the order dated 19.08.2025 shall follow. We also make it mandatory and compulsory for the States to comply with the timeline indicated in the order dated 19.08.2025, as also what has been indicated above.

7. Since, we are conscious of the fact that this has to be a detailed and thorough exercise, for which Dr. Naik

would have to devote his time, we make it clear that any time spent on this project would be considered to be time spent on official duty and the Director, All India Institute of Medical Sciences, New Delhi/the concerned Competent Authority, who is responsible for his leave etc., shall allow the same for any work which is connected with the present exercise.

8. The team of learned ASG, learned *Amicus Curiae* and Dr. Naik would be free to co-opt any other person from any specialty if they feel the need that some more/further inputs from a qualified and well-renowned medical professional of that field is required. We leave it open to their discretion to take a decision on the same.

9. We request the learned ASG to give a copy of the entire records, proceedings as well as the orders passed in the case to Dr. Naik so that he is appraised of what has happened till date in the case and is in a better position to fruitfully participate in the exercise.

10. It is indicated that the recommendations/report which would be submitted by the aforesaid three-member Committee, though, may not be the last and final word, but at least it should be a step forward, so that in a phased manner, the recommendations approved by the Court may be implemented on the ground at the earliest.

11. For the time being, the aforesaid Committee of the learned ASG, learned *Amicus Curiae* and Dr. Naik would not be under obligation of submitting their report on the next appointed date, in view of the fact that already much time has elapsed, and the States are yet to submit their report. On the next date they would inform the Court with regard to having received the reports from the States as also what they propose to do.

12. We make it very clear that whatever logistical as also financial support required for the Committee to complete the exercise, as envisaged in the order dated 19.08.2025 and as discussed today, shall be borne by the Union Health Ministry without any delay.

13. Registry to forward a copy of this order to the Director, All India Institute of Medical Sciences, New Delhi, forthwith.

14. List the matter on 16.10.2025 at 2.00 p.m.

(POOJA SHARMA)
AR-CUM-PS

(ANJALI PANWAR)
COURT MASTER (NSH)