

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.11883 of 2014**

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1. Rajeev Ranjan Prasad, Advocate, son of Sri Umesh Prasad Singh, resident of A/2, Tara Towers, Exhibition Road, P.S. Gandhi Maidan, Town and District- Patna

2. Sanjay Singh, Advocate, son of Baidya Nath Singh, resident of Kadam Kuan, West Lohanipur, Near Budh Murti, P.S. Kadam Kuan, District Patna

.... .... Petitioner/s

Versus

1. State of Bihar- through the Chief Secretary.

2. Department of Health- through the Principal Secretary, Government of Bihar, Patna

3. Health Society, Bihar- through its Director

4. The Superintendent, Patna Medical College and Hospital

5. Directorate General of Health Services, Ministry of Health and Family Welfare, Government of India, New Delhi

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rajeev Ranjan Prasad ( in person)

For the Respondent/s : Mr. Apurva Kumar, A.C. to G.A.-11

For the respondent no.5 : Mr. Ravinder Kumar Sharma, C.G.C.

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**And**

**HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date: 09-02-2015**

The petitioners are practising advocates in this Court. They filed this writ petition in public interest, with a prayer to direct the respondents herein, to command the State of Bihar and its authorities and other respondents for implementation of the Transplantation of Human Organs and Tissues Act, 1994 (for short, 'the Act' ).

It is stated that on account of there not being

proper implementation for storage and preservation of the human organs, the transplantation thereof, in the cases wherever it is otherwise possible, is not being undertaken.

Heard Sri Rajeev Ranjan Prasad, the party in person, Sri Apurva Kumar, learned counsel for the respondent nos. 1 to 4, and Sri Ravinder Kumar Sharma, learned counsel for the respondent no.5.

The Act and the Rules made thereunder prescribe the procedure to be followed in the context of transplantation of human organs and tissues. In certain cases, the transplantation of organs would save the lives of the ailing persons. That, however, would be possible only when the corresponding organ is available from the other body, or is preserved properly. For storage and preservation of human organs, highly sophisticated equipments and facilities are needed. The emphasis under the Act is to constitute an advisory committee for this purpose and for registration of the hospitals which undertake transplantation of organs and tissues.

So far as the storage of human organs is concerned, Section 13C provides for the establishment of National Organ and Tissue Removal and Storage Network at several places as well as at Regional Centres.

The question as to whether the centre of that nature can be established at a particular place, would depend upon several factors, such as facility for removal, storage, preservation and transplantation of human organs.

This Court cannot issue any specific direction in this behalf. However, the petitioners can be permitted to make a representation to the concerned authority, who, in turn, can be required to pass appropriate order in accordance with provisions of the Act and Rules.

Hence this writ petition is disposed of leaving it open to the petitioners to make a representation to the concerned authority, who, in turn, shall take necessary steps in accordance with the provisions of the Act and Rules within three months from the date of submission thereof.

Interlocutory application, if any, shall stand disposed of. There shall be no order as to costs.

**(L. Narasimha Reddy, CJ)**

**(Vikash Jain, J)**

Sunil/-

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