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

+ **W.P.(C) 5765/2015**

DEVENDER

..... Petitioner

Through: Mr Pankaj Sinha & Ms Ambalika Roy,
Advs.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr Gautam Narayan, Adv. for R- 2 & 3.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **28.05.2015**

1. Issue notice.
2. Mr Narayan accepts notice on behalf of respondent no. 2 and 3.
3. The petitioner is, presently, suffering from HIV. It is the petitioner's claim that he was referred to Guru Nanak Eye Centre on 25.04.2015 for performance of cataract surgery. The petitioner claims that though he was admitted to the Guru Nanak Eye Centre on 09.05.2015, his surgery was not performed. It is the petitioner's assertion that this occurred on account of the fact that the petitioner is an HIV patient.
4. Mr Narayan has obtained instructions. He says that what the petitioner has stated is not quite accurate in so far as allegation of non-performance of surgery is concerned. It is the contention of the learned counsel that the doctors were willing to perform the surgery on the petitioner, and that, the only reason surgery was not performed was on account of the fact that the Universal Precautionary Kit was not made

available.

4.1 Mr Narayan, on instructions, has also conveyed to me that presently the Universal Precautionary Kit has been sourced and, therefore, there will be no difficulty in performing the surgery. I am also informed that if, the petitioner, were to admit himself at the Guru Nanak Eye Centre on 30.05.2015, then if, all things fall into place, his surgery will be performed on 02.06.2015.

5. Mr Sinha, learned counsel for the petitioner, says that even though other reliefs are sought in this matter, he would not want to press those reliefs since, the immediate grievance of the petitioner has been taken care of.

6. Accordingly, having regard to the assurance given by Mr Narayan, in my view, no further orders are called for except to emphasise the fact that the respondents will be held bound by the assurance given on their behalf by their counsel. The writ petition is disposed of with the aforesaid directions, making it clear though that, other questions of law, having not been adjudicated upon, do not stand determined by this order.

7. Dasti under the signatures of the Court Master.

RAJIV SHAKDHER, J

MAY 28, 2015

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