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

+ LPA 764/2014

GOVT. OF NCT OF DELHI

..... Appellant

Through: Ms.Rekha Palli, Sr.Adv.with Mr.Anuj
Aggarwal and Ms. Garima Sachdeva, Advs.

Versus

MOHD AHMAD & ORS

..... Respondents

Through: Mr. Ashok Agarwal, Adv. for R-1.
Mr. Anurag Ahluwalia, CGSC for UOI.
Mr. B.P. Gupta, Advocate for AIIMS.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

25.05.2016

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1. This appeal is preferred against the order of the learned Single Judge dated 17.04.2014 in W.P.(C) No.7279/2013. The Govt. of NCT of Delhi/the respondent No.2 in the writ petition is the appellant before us.
2. The said petition was filed seeking a direction to the respondents to provide continuous and uninterrupted treatment free of cost to the writ petitioner, who is suffering from a chronic and rare disease and needs very expensive treatment.
3. By the order under appeal, the writ petition was disposed of by the learned Single Judge with a direction to the Govt. of NCT of Delhi/appellant herein to discharge its constitutional obligation and provide the writ petitioner with Enzyme Replacement Therapy at AIIMS free of charge as and when he requires it.

4. It is not disputed before us that despite the pendency of this appeal, the Govt. of NCT of Delhi has been taking care of the treatment of the writ petitioner in terms of the directions of the learned Single Judge. The statement of the learned standing counsel for GNCT of Delhi to that effect was placed on record in our order dated 01.12.2014.

5. On 20.01.2016, it was brought to our notice that in **W.P.(C) No.5435/2014** titled ***Afreen Ansari (Minor) Through Sagir Ansari vs. Union of India & Ors.*** which was filed seeking an identical relief to provide treatment free of cost to the petitioner therein, a learned Single Judge of this Court directed the Principal Secretary, Govt. of NCT of Delhi and the Secretary (Health), Govt. of India to constitute a High Powered Inter-Disciplinary Committee within three months and to evolve a scheme/policy within six months in terms of the suggestions in para-81(ix) of the order in W.P.(C) No.7279/2013, i.e., the order which is the subject matter of the present appeal.

6. On 09.03.2016, it was brought to our notice by Sh.Anuj Aggarwal, the learned counsel appearing for the Govt. of NCT of Delhi that in compliance with the order in *Afreen Ansari (Minor) (Supra)*, a State Level High Powered Inter Disciplinary Committee has been constituted vide proceedings dated 04.02.2016 of the Health and Family Welfare Department of Govt. of NCT of Delhi.

7. Placing before this Court the copies of the said proceedings dated 04.02.2016 as well as the minutes of the Committee dated 29.02.2016, it is represented by Ms.Rekha Palli, the learned Senior Advocate appearing for the Govt. of NCT of Delhi assisted by Mr.Anuj Aggarwal, Advocate that all

cases in which treatment of rare diseases is required, would be placed before the State Level High Powered Inter Disciplinary Committee and the necessary action would be taken by the Govt. of NCT of Delhi as per the recommendations of the said Committee. The statement of the learned Senior Counsel is placed on record.

8. Having regard to the fact that the treatment of the respondent No.1/writ petitioner is being taken care of and a Committee has also been constituted in terms of the order under appeal to deal with similar cases, if any, the direction in the order under appeal to provide the writ petitioner with treatment free of charge may not be treated as a precedent.

9. The appeal is accordingly disposed of.

CHIEF JUSTICE

JAYANT NATH, J

MAY 25, 2016/pmc