

THE HON'BLE SRI JUSTICE T. AMARNATH GOUD

WRIT PETITION No.36803 OF 2018

ORDER:

This writ petition is filed challenging the proceedings of the third respondent in Rc.No.22764/MAK/2018, dated 02.07.2018, rejecting the case of the petitioners for approval of kidney transplantation and also inaction of the second respondent in passing the orders on the appeal filed by the petitioners.

2. Heard learned counsel for the petitioners and learned Government Pleader for Medical and Health appearing for the respondents.

3. First petitioner submits that he is suffering with renal failure since past 15 years and has been undergoing dialysis thrice a week at Yashoda Hospital, Malakpet, Hyderabad. He further submits that the Doctors, who have been treating him, recommended for kidney transplantation. Second petitioner, who is the cousin of the first petitioner, out of love and affection and without there being any monetary consideration or any pressure, has come forward to donate her kidney to first petitioner. Though all the ingredients are satisfied by the petitioners, the State Authorization Committee for Organ Transplantation, Telangana State, the 3rd respondent herein, vide its proceedings dated 02.07.2018, rejected the case of the petitioners for approval of kidney transplantation. Aggrieved by the same, first petitioner filed appeal dated 05.07.2018 before the second respondent. As the second respondent did not pass any orders on the appeal, the petitioners filed the present writ petition.

4. A perusal of the order passed by the third respondent, it is clear that the third respondent passed a cryptic order without assigning any reasons for rejection of the case of the petitioners. When the petitioners complied all the formalities as per law, the third respondent ought not to have denied the right of the petitioners. *Prima facie*, the order of the third respondent lacks reasoning and hence this Court is of the view that the case of the petitioners is a genuine one and necessary relief has to be extended to them.

5. For the reasons aforesaid, this writ petition is allowed setting aside the order of the third respondent in Rc.No.22764/MAK/2018, dated 02.07.2018. The respondents are directed to take steps for providing medical aid to the petitioners, as requested by them, in accordance with law, without any undue delay. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

T. AMARNATH GOUD, J

Date:19.10.2018

Note:- Furnish C.C. today

(B/o)
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