

\$~21

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

+ W.P.(C) 1411/2019 & CM No. 6459/2019

JYOTI (MINOR) THROUGH HER NEXT FRIEND AND
NATURAL FATHER SH. ARJUN THAKUR Petitioner

Through: Mr Ashok Agarwal with Mr Utkarsh
Kumar, Advocates.

versus

ALL INDIA INSTITUTE OF MEDICAL SCIENCES
(AIIMS) & ANR Respondents

Through: Mr V. S. R. Krishna, Advocate for R-
1.
Mr Ripu Daman Bhardwaj, Advocate
for R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **13.02.2019**

1. The petitioner has filed the present petition, *inter alia*, praying that the All India Institute of Medical Sciences (AIIMS) be directed to permit the petitioner to deposit ₹22,000/- towards room rent for ten days and grant admission to the petitioner on the scheduled date, that is 13.02.2019 (today), in terms of its letter dated 02.06.2018.
2. The petitioner is a minor and has filed the present petition through her father. The petitioner is, essentially, aggrieved as her treatment at AIIMS is being delayed. She was earlier given a slot for operation, which was scheduled for today. However, that has been deferred as the necessary formalities could not be completed within the said period. The petitioner has

arranged for funding the medical expenses to the extent of ₹5,43,095/- and prays that her surgical procedure may be expedited by treating her as a patient of the private ward.

3. Mr Agarwal, has also referred to certain documents, which indicate that she had been placed in waiting list at sl. number 305 and it is submitted that her turn is likely to come after several months.

4. The learned counsel appearing for the AIIMS submits that in the peculiar facts of the present case, the petitioner would be treated as a general ward patient, but her surgery would be expedited. He submits that there are severe constraints on its resources as there are only few doctors that can perform the required surgery. In addition, only one such surgery can be performed in a day.

5. Although, this Court can understand the urgency on the part of the petitioner, it cannot be oblivious of the fact that allowing the relief as prayed for, would also mean surgery of another person(s), which is now scheduled, would be deferred. In this view, this Court is not inclined to pass any orders. This is also considering that the statement has been made on behalf of AIIMS that the petitioner's surgery would be scheduled expeditiously, which this court understands would be not later than one month from today.

6. In view of the above statement, the petition is disposed of. The pending application also stands disposed of.

7. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

FEBRUARY 13, 2019/MK