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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 6th August, 2020

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W.P.(C) 5031/2020

DR ROHIT JAIN

..... Petitioner

Through: Mr. S.D. Sudhi, Advocate

versus

GOVT OF NCT OF DELHI AND ORS.

..... Respondents

Through: Mr.Sanjoy Ghose, ASC for GNCTD
with Ms. Urvi Mohan, Advocate

Mr. Chetan Sharma, ASG with Mr.Anurag
Ahluwalia, CGSC for UOI

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PRATEEK JALAN

J U D G M E N T

: **D.N. PATEL, Chief Justice (Oral)**

Proceedings of the matter have been conducted through video conferencing.

CM Nos. 18127-18128/2020 (exemption)

Allowed, subject to all just exceptions.

The applications stand disposed of.

W.P.(C) No.5031/2020

1. This Public Interest Litigation has been preferred with the following prayers:

“(a) Issue an appropriate writ directing the respondents for immediately banning the illegal online health service aggregators which are not registered under Clinical

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Establishment (Registration & Regulation) Act 2010 or under any other regulations and without any medico legal liability for collecting and testing the patient samples for diagnosis.

(b) Direct the respondents to issue guidelines for registration & minimum standards for sample collection centers operated by online aggregators including the minimum qualification for taking samples by representative of aggregators.

(c) Direct the respondents to ensure that these aggregators comply and register with the state pollution control board or state pollution committee for the disposal of biomedical waste.

(d) Direct the respondents to ensure the Covid-19 test reports may be duly signed by a Registered Medical practitioner with a postgraduate qualification in Pathology/Microbiology/Biochemistry/Laboratory medicine in terms of direction of Hon'ble Supreme court of India vide order dated 12.12.2017 in SLP (C) No. 28529 of 2010 in matter of North Gujarat Unit Association of Self-Employed Owners (paramedical) of private pathology laboratories versus North Gujarat Pathologists Associations and Others.

(e) Issue any other appropriate writ that this Hon'ble Court may deem fit and proper in the facts & circumstances of the case."

2. Having heard the learned counsel for both the sides and looking to the facts and circumstances of the case, it appears that there are allegations about operations of illegal online health service aggregators which are not registered under any law, including the Clinical Establishment (Registration and Regulations) Act, 2010.

3. Much has been argued out by the counsel for the petitioner relying on several annexures including Annexure-P1, that there are several non-registered online health service aggregators operating in the field in Delhi

and that their activities must be stopped by the respondents in accordance with law.

4. Having heard the counsel for both the sides and looking to the facts and circumstances of the case, we hereby direct the concerned respondent authorities to initiate action, in accordance with law, against any illegal online health service aggregators operating in Delhi in violation of the applicable law, including the Clinical Establishment (Registration and Regulations) Act, 2010, if applicable, or in violation of any rules, regulations or government policies applicable to the facts of the case. Action will be initiated in accordance with law against such violators of the law as expeditiously as possible and practicable, after giving an adequate opportunity of being heard to the concerned parties.

5. Several examples have been given in this writ petition about such alleged violators. Since they are not joined as party respondents, we are not observing anything against any of the parties or so called violators of the law, as pointed out in the writ petition. It is open for the respondents to take action against any such violators of the law as stated hereinabove, after giving an adequate opportunity of being heard to the concerned parties.

6. With these observations, the writ petition is disposed of.

CHIEF JUSTICE

PRATEEK JALAN, J

AUGUST 06, 2020

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