

\$~11

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

% *Date of Decision: 26th November, 2021*

+ W.P.(C) 5487/2021 & CM APPL. 17008/2021(Interim relief)

KARAN AHUJA

..... Petitioner

Through: Mr. Kuldeep Jauhari, Mr. Rajat Bhatia, Mr. Anubhav Tyagi and Mr. Aditya Pathak, Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Chetan Sharma, Additional Solicitor General with Mr. Anil Soni, Central Government Standing Counsel with Mr. Amit Gupta, Mr. Akshay Gadeock, Mr. Vinay Yadav, Mr. Sahaj Garg, Mr. Rishav Dubey and Mr. R.V. Prabhat, Advocates for UOI.

Mr. Anurag Ahluwalia, Central Government Standing Counsel with Mr. Abhigyan Siddhant and Mr. Danish Faraz Khan, Advocates for R-2.

Mr. Gautam Narayan, Additional Standing Counsel with Ms. Ritika Vohra and Mr. Adittya Nair, Advocate for GNCTD.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGMENT

D.N. PATEL, CHIEF JUSTICE(ORAL)

1. Present Public Interest Litigation has been preferred seeking the following reliefs:-

“I. Direct the Respondent No. 3 to allow the Petitioner and his parents to be tested for SARS-CoV-2 (COVID-19)

at Delhi Government Dispensary, B-3 Sultanpuri, Delhi-86;

II. *Direct the Respondents No. 1 to 3 to strike down Point No. (i) under the Recommended measures to optimize RTPCR in the Advisory dated 04.05.2021 issued by Respondent No. 2 which reads as follows, “i. RTPCR test must not be repeated in any individual who has tested positive once either by RAT or RTPCR.”*

III. *Direct the Respondents to not put any direct or indirect prohibition on the right of a citizen to get oneself tested for any infection including SARS-CoV-2 (COVID-19).*

IV. *Pass any other or further directions, orders or writ as this Hon'ble Court may, in the facts and circumstances of the case and in the interest of justice.”*

2. We have heard learned counsel appearing on behalf of the Petitioner and learned Additional Solicitor General appearing on behalf of the Respondents and looked into the facts and circumstances of the case. Looking to the counter affidavit filed by Respondent No.3/Directorate General of Health Services, GNCTD, especially paragraphs 2 to 7 thereof as also paragraph 5 of the counter affidavit filed by Respondent No.2/Indian Council of Medical Research, we see no reason to keep the present writ petition pending and monitor the case further.

3. Writ petition along with pending application is hereby disposed of. Nonetheless, liberty is reserved with the Petitioner to approach this Court, in case the need so arises.

CHIEF JUSTICE

JYOTI SINGH, J

NOVEMBER 26, 2021/rk

W.P.(C) 5487/2021

Page 2 of 2