

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-PIL-12-2023 (O&M)
Date of decision:- 13.02.2023

Dr. Mukut Minz

...Petitioner(s)

Versus

Union of India and another

...Respondent(s)

CORAM: **HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE**
HON'BLE MR. JUSTICE ARUN PALLI

Present: Ms. Molly A. Lakhanpal, Advocate,
for the petitioner.

Mr. Satya Pal Jain, Additional Solicitor General of India,
with Mr. Arvind Moudgil, Advocate,
for the respondents – UOI.

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RAVI SHANKER JHA, C.J. (ORAL)

The petitioner has filed this public interest litigation praying for a direction to respondent No. 2 – Post Graduate Institute of Medical Education and Research (PGIMER), Chandigarh to abstain from engaging in renal organ transplantation in its Department of Urology in violation of the Transplantation of Human Organs and Tissues Act, 1994 (in short the Act) read with the Transplantation of Human Organs and Tissues Rules, 2014 (in short the Rules, 2014) and to evaluate the expertise of prospective renal transplant surgeons as per the global medical standards.

The petitioner further prays for a direction to respondent No. 1 – Union of India to adequately amend Rule 26(c) of the Rules, 2014 in accordance with and at par with global medical standards requisite for minimum qualifications to perform renal transplantation and stay the authority/permissions given to the Urology Department of respondent No. 2 to perform renal transplantation as the present proposed staff lacks the minimum qualification to perform the same.

It is submitted that the respondent-authorities have granted permission to commence renal transplantation contrary to the Act and the Rules, 2014. It is stated that the respondent-authorities propose to undertake the renal transplantation in violation of the Rules. Hence, the writ petition.

Mr. Satya Pal Jain, learned Additional Solicitor General of India, on advance copy, submits that in fact the action being taken by the respondent-

authorities is in accordance with the Rules. He undertakes that the respondent-authorities will be acting strictly in accordance with the Rules and the Statute.

At this stage, as there is no particular instance pointed out by the petitioner in the entire writ petition relating to violation of the Rules, nor is there any allegation as to whether any individual or person has been subjected to renal transplantation in violation of the Rules, taking the statement of learned Additional Solicitor General of India and in terms thereof, the writ petition stands disposed of.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

13.02.2023
Amodh Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No