



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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CWP-27998-2024

Date of decision: 18.10.2024

AMRISH JAISWAL AND ANOTHER

.....Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

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Present: - Dr. Malvika Singh, Advocate  
for the petitioners.

Ms. Niharika Sharma, Asstt. A.G. Punjab

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**VINOD S. BHARDWAJ, J. (Oral)**

Challenge in the present writ petition is to the decision taken by the Authorization Committee dated 25.07.2024 (Annexure P-7) whereby the Authorization Committee has declined the permission for an organ transplant on the following grounds:-

- 1) There is no proof of any relationship or link of family friend between patient and donor as claimed by the Amrish Jaiswal.*
- 2) There were no photographs provided by both families to prove that they have any family relationship between both families.*



*3) As per Police Verification of SSP Ambala, there is No Relation Between Both Patient and Donor.*

*According to documents provided by Patient and Donor, the Hospital Based Authorization committee was not satisfied with there Family Friend Relationship.*

Learned Counsel appearing on behalf of the petitioner contends that the above said decision was taken by the Authorization Committee without affording any opportunity of hearing to the petitioner and a copy of the minutes as well as the decision has not been supplied to her in the statutory Form 18.

On being confronted, she does not dispute that a statutory remedy of appeal under Section 17 of the Transplantation of Human Organs and Tissues Act, 1994 is prescribed and it is submitted that a period of 30 days has been provided for preferring such an appeal and that the said period has already lapsed.

I am *prima facie* of the opinion that the aforesaid period of preferring an appeal within a period of 30 days is only directory and not mandatory and does not take away the right to constitutional remedies from the petitioner. Besides, it is not a situation where any rights stands accrued in favour of any contesting respondent and further that no consequences of preferring an appeal after 30 days have been provided for in the statute.

Faced with the above, learned Counsel for the petitioner contends that given the nature of urgency involved, the appropriate authority



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may be directed to decide the appeal in a time bound manner. I find that the aforesaid request is genuine.

Learned State Counsel, however, contends that they would have no objection in taking a decision on such an appeal, in a time bound manner, in case the same is preferred by the petitioner.

The present writ petition is accordingly disposed of at this stage without commenting on the merits of the present case and with the consent of the parties granting liberty to the petitioner to prefer an appeal before the appropriate authority against the decision dated 25.07.2024 taken by the authorization Committee.

Let such a decision be taken by the respondent-appropriate authority expeditiously and preferably within a period of one month of receipt of the appeal and after granting of an opportunity of hearing to the petitioner.

(VINOD S. BHARDWAJ)  
JUDGE

OCTOBER 18, 2024  
Vishal Sharma

Whether speaking/reasoned : Yes/No  
Whether Reportable : Yes/No