



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

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CWP-30214-2024
Date of Decision: 12.11.2024

ASHOK KUMAR

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. Ishnoor Singh, Advocate
for the petitioner.

Mr. Vivek Saini, Addl. A.G., Haryana.

Mr. Nilesh Bhardwaj and Mr. Akhil Kamra,
Advocate for respondent No.3.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present petition is for directing the respondents to undertake the renal transplant of the petitioner by accepting donation from private respondent No.7.

Learned counsel for the petitioner contends that the petitioner is suffering from renal failure and urgently requires kidney transplant. The private respondent No.7, who is the niece (Bhanji) of the petitioner, has voluntarily agreed to donate her kidney to the petitioner. It is submitted that the petitioner is undergoing treatment for Stage 5 CKD (Chronic Kidney Disease) at PGIMS, Rohtak and was recommended for such transplant after explaining the procedure and consequences thereof. The donor being the niece of the petitioner

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had agreed to donate her kidney voluntarily and free from any coercion and also executed an affidavit supporting her willful consent. The medical reports/blood test reports are indicative of potential match of the kidney. He further submits that despite submission of an application in this regard, no decision has been taken by the Authorization Committee.

When the matter came up for hearing on 07.11.2024, counsel for the PGIMS, Rohtak was directed to seek instructions with respect to the application/petition for kidney transplant pending with the Authorization Committee.

On resumed hearing, counsel for the respondent-PGIMS, Rohtak informs that no formal request on a statutory form has been submitted by the petitioner for an organ transplant and that the earlier application submitted was for a cadaver's organ transplant, whereas it is a case of live donor. He submits that in the event of the petitioner submitting an application on a statutory form with the Competent Authority, a report shall be prepared and appropriate decision shall be taken within a period of one week of submission of such application after carrying out an evaluation of the donor as well as donee.

Counsel for the petitioner undertakes to appear before the Competent Authority and contends that he would be satisfied at this juncture in case the respondents are directed to take a time bound decision on any such statutory application/petition preferred by the petitioner.

The counsel for the respondents have no objection to the same.

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Accordingly, the present petition is disposed of at this juncture without commenting on the merits of the case with a direction to the petitioner to appear before the Competent Authority and submit a application/petition on the statutory form for seeking organ transplant; and subject to the donor as well as the donee appearing for evaluation before the Authorization Committee, a decision on such application/petition shall be taken by the Competent Authority within a period of one week of such evaluation.

It is further clarified that in the event of the Authorization Committee recording a finding against the petitioner, the appeal filed, if any, shall also be decided by the Appellate Authority as expeditiously as possible and preferably within a period of three weeks from the date of filing of such appeal, after granting an opportunity of hearing to the respective parties.

Disposed of accordingly.

NOVEMBER 12, 2024.
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No