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

+ W.P.(C) 14289/2023

ASHWINI KUMAR UPADHYAY Petitioner

Through: Petitioner in person

versus

UNION OF INDIA & ORS. Respondent

Through: Mr. Kirtiman Singh, CGSC, UOI Ms.
Shreya V. Mehra and Mr. Waize Ali
Noor, Advocates

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **05.04.2024**

CM APPL. 5823/2024 (for restoration)

1. Present application has been filed seeking restoration of the public interest petition which was dismissed in default and on account of non-prosecution *vide* order dated 29th January, 2024.
2. The Applicant-Petitioner in person states that he could not put in appearance before the Court on 29th January, 2024 due to prior personal commitments.
3. Keeping in view the aforesaid, the present application is allowed and the matter is restored to its original status.



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4. Present public interest petition has been filed to include Indian healthcare systems viz. Ayurveda, Yoga, Naturopathy, Siddha, Unani, Homeopathy in the National Health Protection Mission, Pradhan Mantri Jan Arogya Yojana (PM-JAY) i.e. Ayushman Bharat Scheme.

5. The Petitioner who appears in person states that while India boasts of various indigenous medical systems, including Ayurveda, Yoga, Naturopathy, Siddha, Unani, Homeopathy, etc. which are highly effective in addressing the healthcare needs of the present time, the Ayushman Bharat Scheme predominantly covers and is limited to allopathic hospitals and dispensaries and thus does not do full justice to India's rich traditions.

6. A perusal of the counter affidavit filed by the Respondent No.2 reads that the Ministry of Ayush in coordination with Ministry of Health and Family Welfare is already taking steps to include Indian Health Care System viz Ayurveda, Yoga and Naturopathy in the National Health Protection Mission, Pradhan Mantri Jan Arogya Yojana (PM-JAY) i.e. Ayushman Bharat.

7. Keeping in view the aforesaid fact as well as the fact that the present writ petition has been filed without making any prior representation to the Respondents, this Court disposes of the present writ petition with a direction to Respondent No.2 to treat the present writ petition as a representation and to decide the same by way of a reasoned order as expeditiously as possible. In the event the Petitioner is aggrieved by the decision taken by the Respondents, he shall be at liberty to file appropriate proceedings in accordance with law. This Court clarifies that it has not expressed any



opinion upon the merits of the controversy. The rights and contentions of all the parties are left open.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

APRIL 5, 2024/msh