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

+ **W.P.(C) 1888/2026 CM APPL. 9163/2026**

GOWHAR AMIN SHAH

.....Petitioner

Through: Mr. Abhay Kumar Bhargava, Mr.
Satyaarth Sinha, Ms. Shradha Mewati
and Ms. Ajinkya Dhalwade, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Tanveer Ahmed Ansari, Senior
Panel Counsel along with Mr. Vivek,
GP and HC Jitender Kumar Mishra
BSF

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **12.02.2026**

1. This petition has been filed by the petitioner with the following prayers:

“i. Issue a writ of Certiorari or any other appropriate writ, order or direction quash and set aside the impugned communication dated 03.02.2026 issued by Respondent No.3 insofar as it denied the Petitioner the right to obtain and place on record an independent psychiatric medical opinion;

OR

ii. Issue a writ of mandamus directing the Respondents to permit the Petitioner to obtain and submit an independent psychiatric medical opinion from a specialist/institution of his choice;

iii. direct the respondents that the show cause notice dated 24.01.2026 be kept in abeyance and the petitioner is further praying the after adjudication of the representation dated 29.1.2026, the subject show cause notice dated 24.01.2026 be kept in abeyance be kept in abeyance for a period of 2 weeks to enable the petitioner to peruse his legal remedies.

iv. Pass any other and further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case and in the interest of justice.”



2. The only submission made by Mr. Bhargava, learned counsel for the petitioner is that the petitioner be permitted to obtain a medical opinion from an independent hospital for consideration of the respondents.
3. If that be so, we permit the petitioner to get a psychiatric medical opinion from AIIMS, Jodhpur and submit the same to the Commandant, Barmer for his consideration in accordance with law.
4. Accordingly, we direct that the respondents to provide all necessary assistance, ambulance to the petitioner to enable him to obtain specialist opinion from AIIMS, Jodhpur. The commandant after receipt of the opinion shall act on the same in accordance with law.
5. With the above directions, the petition along with the pending application is disposed of.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 12, 2026/msh