

(2021) 11 DEL CK 0214

In the Delhi High Court

Case No : Civil Writ Petition No. 5487 Of 2021, Civil Miscellaneous Application
No. 17008 Of 2021

Karan Ahuja

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 26-11-2021

Acts Referred:

Citation : (2021) 11 DEL CK 0214

Hon'ble Judges : Dhirubhai Naranbhai Patel, CJ; Jyoti Singh, J

Bench : Division Bench

Advocate : Kuldeep Jauhari, Rajat Bhatia, Anubhav Tyagi, Aditya Pathak, Chetan Sharma, Anil Soni, Amit Gupta, Akshay Gadeock, Vinay Yadav, Sahaj Garg, Rishav Dubey, R.V. Prabhat, Anurag Ahluwalia, Abhigyan Siddhant, Danish Faraz Khan, Gautam Narayan, Ritika Vohra, Adittya Nair

Final Decision : Disposed Of

Judgement

D.N. Patel, CJ

1. Present Public Interest Litigation has been preferred seeking the following reliefs:-

"I. Direct the Respondent No. 3 to allow the Petitioner and his parents to be tested for SARS-CoV-2 (COVID-19) at Delhi Government Dispensary, B-3 Sultanpuri, Delhi-86;

II. Direct the Respondents No. 1 to 3 to strike down Point No. (i) under the Recommended measures to optimize RTPCR in the Advisory dated 04.05.2021 issued by Respondent No. 2 which reads as follows, "i. RTPCR test must not be repeated in any individual who has tested positive once either by RAT or RTPCR."

III. Direct the Respondents to not put any direct or indirect prohibition on the right of a citizen to get oneself tested for any infection including SARS-CoV-2 (COVID-19).

IV. Pass any other or further directions, orders or writ as this Hon'ble Court may, in the facts and circumstances of the case and in the interest of justice."

2. We have heard learned counsel appearing on behalf of the Petitioner and learned Additional Solicitor General appearing on behalf of the Respondents and looked into the facts and circumstances of the case. Looking to the counter affidavit filed by Respondent No.3/Directorate General of Health Services, GNCTD, especially paragraphs 2 to 7 thereof as also paragraph 5 of the counter affidavit filed by Respondent No.2/Indian Council of Medical Research, we see no reason to keep the present writ petition pending and monitor the case further.

3. Writ petition along with pending application is hereby disposed of. Nonetheless, liberty is reserved with the Petitioner to approach this Court, in case the need so arises.