

(2024) 09 KL CK 0071

In the High Court Of Kerala

Case No : Writ Petition (C) No. 34136 Of 2024

Neethu G

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 30-09-2024

Acts Referred:

Transplantation of Human Organs and Tissues Act, 1994 — Section 9(4)(b), 17

Citation : (2024) 09 KL CK 0071

Hon'ble Judges : V.G.Arun, J

Bench : Single Bench

Advocate : K.V.Jayadeep Menon, Rajeeve P., T.P.Ramesh, P.Krishnapriya, Sunilkumar Kuriakose

Final Decision : Allowed

Judgement

V.G.Arun, J

1. The challenge in this writ petition is against Ex.P10 order, by which the Director of Medical Education, the 2nd respondent herein, dismissed the appeal filed by the petitioners under Section 17 of the Transplantation of Human Organs and Tissues Act, 1994. The appeal was filed, aggrieved by the rejection of petitioners' application seeking permission for altruistic organ donation filed before the District Level Authorization Committee for Renal Transplantation .

2. Heard, learned counsel for the petitioners and the learned Government Pleader.

3. Although various contentions are raised on merits, I am not venturing to decide the writ petition on merits, since, as per Section 17, the authority to consider an appeal filed against the order of the Authorization Committee constituted under Section 9(4)(b) of the Transplantation of Human Organs and Tissues Act, is the State Government.

4. On that short ground, Exhibit P10 is quashed and the petitioners permitted to file a fresh appeal before the State Government. If such appeal is filed within one

week, it shall be treated to have been filed within the time prescribed under Section 17 and decided on merits, uninfluenced by the findings in Ext.P10. The decision, as directed above, shall be taken within two weeks of filing of the appeal.

Accordingly, the writ petition is allowed.