

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C) No. 851 of 2025

Nongthombam Ongbi Samita Devi.

...Petitioner

- Versus -

State of Manipur & 2 Ors.

...Respondents

**B E F O R E
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

ORDER

21-01-2026

[1] Heard Mr. Ng. Jotindra Luwang, learned counsel for the petitioner; Mr. Th. Sukumar, learned Government Advocate for State respondent Nos. 1 & 2; and Mr. Ch. Anthony, learned counsel for respondent No. 3 (Shija Hospitals & Research Institute Pvt. Ltd., Langol).

[2] The petitioner approached this Court by way of present writ petition against the decision of the State Medical Board vide letter dated 27-08-2025 sent by the Director of Health Services, Manipur to the Chairman cum Managing Director, Shija Hospitals & Research Institute Pvt. Ltd., Langol, Imphal West about objection regarding issuance of No Objection Certificate (NOC) for kidney transplantation in respect of Mrs. Maibam Janeshwori Chanu (Recipient) and Mrs. Nongthombam Ongbi Samita Devi (Donor). The main ground is that in the impugned letter, no reason was given for rejection for the request of organ transplant. The very fact of the case is that the petitioner, Mrs. Nongthombam Ongbi Samita Devi (Donor) and the patient, Mrs. Maibam Janeshwori Chanu (Recipient) are cousin as

father of the patient and mother of the donor are brother and sister. It is stated that Mrs. Maibam Janeshwori Chanu is suffering Chronic Kidney Disease (CKD) for the past 9 years. Her creatinine level has reached a critical stage, necessitating Dialysis two times a week and she has been advised to undergo kidney transplantation at the earliest to protect her life. It is stated that her husband and her eldest son are unable to donate a kidney due to blood group incompatibility and the youngest son of the patient is ineligible as he is below 18 years of age. The petitioner being a cousin of the patient has voluntarily expressed her willingness to donate one of her kidneys out of love and compassion without any force, coercion or undue influence from any quarter and in this regard, she has obtained consent from her family members particularly her husband and children, who have voluntarily authorized the petitioner to donate one of her kidneys to their cousin, Mrs. Maibam Janeshwori Chanu, purely out of love and affection and without any condition. In this respect, the petitioner's cousin sister, Mrs. Maibam Janeshwori Chanu submitted a letter dated 17-01-2025 to the Managing Director, Shija Hospitals & Research Institute Pvt. Ltd., Langol, Imphal West requesting for grant of permission for kidney transplant process as her cousin sister, Mrs. Nongthombam Ongbi Samita Devi is willing to donate her kidney to her out of love and affection. Thereafter, vide letter dated 21-07-2025, the Chairman cum Managing Director of Shija Hospitals & Research Institute Pvt. Ltd, Langol submitted the details of the patient requiring kidney transplantation for NOC to the Chairman, State Medical Board, Directorate of Health Services, Lamphel, Manipur. Vide another letter dated 01-08-2025, respondent No. 3 also submitted additional documents requiring kidney transplantation including the affidavits of the patient, donor

and their family members expressing no objection to the proposed kidney transplantation. It is stated that as per Section 9 of the Transplantation of Human Organs And Tissues Act, 1994, the petitioner and the patient being close relative, there is no impediment in donating one of the kidneys of the petitioner to the patient. However, by the impugned letter dated 27-08-2025, the Director of Health Services, Manipur informed the Chairman cum Managing Director, Shija Hospitals & Research Institute Pvt. Ltd., Langol, Imphal West about the rejection of issuance of No Objection Certificate for kidney transplantation.

[3] Mr. Ng. Jotindra Luwang, learned counsel for the petitioner, submits that no reason was given in the impugned rejection letter dated 27-08-2025 and in the counter affidavit filed by the State respondents, it is stated in paras 5 & 7 that during the interview of the donor's husband by the State Medical Board, it was found that there is an intention of monetary support or support of kind to the donor's family. However, no document was annexed with the counter affidavit.

[4] When the matter was taken up on 15-01-2026, Mr. Th. Sukumar, learned Government Advocate for the State respondents, produced a photocopy of the proceedings of the State Medical Board held on 07-08-2025 recording that Board is not satisfied with the donor's husband as they are accepting financial assistance from this transplant and the learned Government Advocate was directed to file an additional affidavit in this regard.

[5] When the matter is taken up today, Mr. Th. Sukumar, learned Government Advocate for the State respondents, submits that he has sent for vetting the additional affidavit and the same cannot be filed before this Court.

[6] Mr. Ng. Jotindra Luwang, learned counsel for the petitioner, submits that the matter has been pending since October, 2025 and the condition of the patient is deteriorating day by day and this Court in exercising the inherent power may pass an appropriate order allowing the organ transplant to save the life of the patient. Learned counsel for the petitioner also relies on the decision of Hon'ble Supreme Court in the case of **Kumari Shrilekha Vidyarthi & Ors vs State Of U.P. & Ors** reported as **1991 1 SCC 212 para 36** to the point that every State action must be informed by reason and it follows, that an act uninformed by reason, is arbitrary. Mr. Ng. Jotindra Luwang, learned counsel for the petitioner, also submits that except for this allegation of monetary transaction, nothing has been brought on record and the impugned order may be set aside by directing the State respondents to issue No Objection Certificate for kidney transplantation.

[7] Mr. Ch. Anthony, learned counsel for respondent No. 3, also submits that organ transplant between the relatives is permissible. However, Mr. Ch. Anthony, learned counsel for respondent No. 3, submits that no material such as video recording of the Board proceedings to substantiate the monetary involvement has been produced and this Court may pass an appropriate order in order to protect the life of the patient.

[8] Mr. Th. Sukumar, learned Government Advocate for the State respondents, submits that the matter may be remanded to the State Medical Board to reassess again.

[9] This Court has perused the material on record. It is an admitted fact that the donor and donee are near relative as mentioned in Section 9 of the Act, 1994. All the requisite formalities have been submitted by the

petitioner and the patient through the hospital to the State Medical Board. The only ground for rejection for granting No Objection Certificate to the donor is about the involvement of monetary assistance from the donee family to the donor family. Apart from averment in the counter affidavit and production of photocopy of the Board proceedings held on 07-08-2025, no other material has been produced before this Court to substantiate the allegation of financial assistance. In the circumstances and considering the peculiar health condition of the patient, the impugned letter dated 27-08-2025 informing the rejection of No Objection Certificate for kidney transplantation in respect of Mrs. Maibam Janeshwori Chanu (Recipient) and Mrs. Nongthombam Ongbi Samita Devi (Donor) in terms of the Board proceedings dated 07-08-2025 is set aside. Respondent No. 2, i.e. Chairman/Director of Health Services, Manipur is directed to issue No Objection Certificate for organ transplantation.

[10] With this observation, the writ petition is disposed of. It is made clear that the present order is passed considering the nature and peculiar facts and circumstances of the present case.

[11] The Registry is directed to send a copy of this order to the Chairman/Director of Health Services, Manipur for doing needful and also furnish a copy of this order to the learned counsel appearing for the parties in the course of the day by Whatsapp or any other available modes.

JUDGE

Victoria