

18.01.2024
Item Nos.1-3
gd/ssd

WPA(P)/20/2020
CAN/1/2023, CAN/2/2023
MUSCULAR DYSTROPHY PATIENT
WELFARE SOCIETY & ANR.
VS
MINISTRY OF HEALTH & FAMILY WELFARE,
GOVERNMENT OF INDIA & ORS.
with
WPA/6300/2023
YUVAAN SINGH & ORS.
VS
UNION OF INDIA & ORS.
with
WPA(P)/9/2023
PARIVAAR BENGAL & ANR.
VS
STATE OF WEST BENGAL & ORS.

Ms. Nandini Mitra,
Mr. Samim Ahammed,
Ms. Saloni Bhattacharya,
Ms. Gulsanwara Pervin,
Mr. Arka Ranjan Bhattacharya,
Ms. Ambiya Khatoun
..for the Petitioners in
WPA(P) 20 of 2020.

Mr. Biswaroop Bhattacharya,
Mr. Siddhartha Sankar Mondal,
Ms. Arunima Das Sharma
..for the Petitioners in
WPA 6300 of 2023.

Mr. Kaushik Gupta,
Ms. Srimoyee Mukherjee
..for the Petitioners in
WPA(P) 9 of 2023.

Mr. Asok Kumar Chakraborti, ld. ASG,
Mr. Arijit Majumdar
..for the Union of India in
WPA(P) 20 of 2020 and
WPA 6300 of 2023.

Mr. Asok Kumar Chakraborti, ld. ASG,
Mr. Suman Chattopadhyay
..for the Union of India in
WPA(P) 9 of 2023.

Mr. Kishore Datta, ld. AG,

Mr. A. Ray,
Md. T.M. Siddiqui,
Mr. S. Adak

..for the State in
WPA(P) 20 of 2020 and
WPA(P) 9 of 2023.

Mr. Tapan Kumar Mukherjee,
Mr. Somnath Naskar

..for the State in
WPA 6300 of 2023.

1. We have heard the learned advocates for either of the parties.

2. It is submitted by the learned counsel for the petitioners that the Hon'ble High Court at Delhi is ceased of a similar matter and the case is to be heard on 19.01.2024 and, therefore, it is submitted that these matters may stand over so that this court will have the benefit of perusing the orders that may be passed by the High Court at Delhi.

3. Regarding the admission of a child who is suffering from Muscular Dystrophy, namely, Chiranjeev Ghosh in Kendriya Vidyalaya, Ballygunge, directions were issued from time to time and in the last order dated 11th December, 2023 the court requested the learned Additional Solicitor General to address the Commissioner, Kendriya Vidyalaya Sangathan, New Delhi requesting his intervention in the matter so that the Principal of Kendriya Vidyalaya, Ballygunge can be directed to give admission to the said child whose elder brother is also studying in the very same school. The learned Additional Solicitor General has, accordingly,

addressed the Commissioner, Kendriya Vidyalaya Sangathan, New Delhi on 18th December, 2023. However, till date there has been no response to the said communication.

4. It is submitted that Ms. Rajarshi Kundalia, learned advocate appears for the Sainik School and there appears to be no standing counsel for Kendriya Vidyalaya Sangathan at Kolkata.

5. Therefore, we have requested Ms. Rajarshi Kundalia, learned advocate to accept notice on behalf of Kendriya Vidyalaya Sangathan and her appearance be regularized. The learned advocate is requested to contact the Commissioner, Kendriya Vidyalaya Sangathan, New Delhi and take necessary instructions with regard to the admission of Chiranjeev Ghosh in Kendriya Vidyalaya, Ballygunge for the academic session commencing from March, 2024. We also give liberty to the learned advocate to speak to the Principal of Kendriya Vidyalaya, Ballygunge to get first hand information in the matter.

6. The learned advocates for the petitioners are requested to supply copies of the relevant orders concerning the student's admission to the school to Ms. Rajarshi Kundalia, learned advocate. The learned advocates for the petitioners are also requested to prepare relevant points which are to be dealt with in the batch of cases to facilitate the court to consider

each of those points and hear the parties and issue appropriate directions.

7. The learned Additional Solicitor General is directed to obtain the copy of the status report which has been filed by the Drugs Controller General of India before the High Court at Delhi as we find from the order passed the Delhi High Court dated 5th January, 2024 there is an observation that the DART trial has already been approved by the Drugs Controller General of India.

8. The learned Advocate General submitted that with regard to the registration of the names of the patients in the Portal the bottlenecks that were there have been sorted out and they have got necessary proof for the same.

9. The learned advocates appearing for the petitioners shall peruse the same and make submissions on the next hearing.

10. The learned Advocate General further submits that five beds have been exclusively reserved in the Kolkata Police Hospital in SSKM Hospital with the life support system for treatment to the patients suffering from rare diseases.

11. List these matters in the same caption on 25th January, 2024.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)