



\$~2 & 3 (SDB)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3903/2017 & CMAPPLs. 18718/2017, 19134/2017 & 27526/2018**

COURT ON ITS OWN MOTION

.....Petitioner

Through: Mr. Ashok Agarwal, Mr. Kumar Utkarsh, Mr. Manoj Kumar, Ms. Ashna Khan & Ms. Gousia Iqbal, Advs. Amicus Curiae. (M: 9811101923)

versus

UNION OF INDIA & ORS

.....Respondents

Through: Ms Arunima Dwivedi CGSC with Mr. Sainyam Bhardwaj, Ms. Himanshi Singh & Ms. Monalisha Pradhan, Advs. (M:9810916537)
Mr. Ravinder Agarwal, Mr. Manish Kumar Singh & Mr. Vasu Agarwal, Advs. for UPSC.
Mr. Amit Tiwari, CGSC with Ms. Ayushi Srivastava & Mr. Ayush Tanwar, Advs.
Mr. V Shashank Kumar, Adv. for Mr. V.S.R. Krishna, Adv. for AIIMS.
Mr. Sameer Vashisht, Standing Counsel, Civil GNCTD with Ms. Harshita Nathrani, Adv. (M:97991 50333)
Mr. Vishwajeet Singh Bhati, Adv. for Mr. Siddharth Aggarwal, Sr. Adv.
Mrs. Avnish Ahlawat, Standing Counsel with Mr. N. K. Singh and Mr. Aliza Alam, Mr. Amol Rana, Advs. for R-2.



~3

+

W.P.(C) 8548/2017 & CM APPLs. 985/2024 & 50101/2024

COURT ON ITS OWN MOTION

.....Petitioner

Through: Mr. Ashok Agarwal, Mr. Kumar Utkarsh, Mr. Manoj Kumar, Ms. Ashna Khan & Ms. Gousia Iqbal, Advs. Amicus Curiae.

versus

UNION OF INDIA & ORS

.....Respondents

Through: Mr. Ravinder Agarwal, Mr. Manish Kumar Singh & Mr. Vasu Agarwal, Advs. for UPSC
Mr. V Shashank Kumar, Adv. for Mr. V.S.R. Krishna, Adv. for AIIMS
Mr. Sameer Vashisht, Standing Counsel, Civil GNCTD with Ms. Harshita Nathrani, Adv.
Mrs. Avnish Ahlawat, Standing Counsel with Mr. N. K. Singh and Mr. Aliza Alam, Mr. Amol Rana, Advs. for R-2.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **02.09.2025**

1. This hearing has been done through hybrid mode.
2. On 29th August, 2025, the Court had taken *suo moto* notice of the report published in the Times of India newspaper on the same date (*hereinafter*, 'the news report'), wherein a 12 year old boy, namely Mr. Rishabh Singh Parihar, (*hereinafter*, 'the child') was stated to have slipped from the first floor of his house on 19th August, 2025 and was facing enormous challenges in finding



an ICU bed in any government hospital in Delhi.

3. On the said date, several directions were passed by this Court in ***W.P.(C) 13274/2025*** with respect to the treatment of the child who is admitted at the Shree Aggrasain International Hospital located at PSP, Sector-22, Rohini, New Delhi.

4. In addition to the said directions pertaining to the treatment and care of the child, the Court had also taken note of the issues pertaining to the implementation of the Economically Weaker Section (*hereinafter, 'EWS'*) Category criteria in private hospitals in Delhi and had passed the following directions:

“12. Mr. Ashok Aggarwal, Id. Counsel further submits that in the case of EWS category, the criteria deserves to be increased in respect of the hospitals as most private hospitals do not properly extend the medical facility to EWS category, despite the fact that they have a binding obligation to do so.

13. On this aspect as well, the matter shall be heard on the next date of hearing. Let the Counsels for the parties, including the GNCTD make submissions in this regard on the next date of hearing.”

5. Today, insofar as the said issue for criteria of EWS category is concerned, a brief note of submissions have been placed before the Court by Mr. Ashok Agarwal, the Id. *Amicus Curiae*. Broadly, there are two issues that have been addressed in this note.

6. Firstly, that the criteria which is presently at Rs.2,20,000/- annually ought to be increased and made equivalent to the EWS criteria for the purpose of education, which is at Rs.5,00,000/-.

7. Reference is also made to the ***W.P.(C) 4006/2021*** wherein *vide* judgment dated 5th December, 2023, a Id. Single Judge of this Court had



observed that the EWS criteria needs to be increased to Rs.5,00,000/- with respect to admissions in private schools. The same was accepted by the Hon'ble Lieutenant Governor of Delhi and a notification to that effect was issued on 23rd December, 2024. Thus, the stand of the *Id. Amicus* is that the same criteria ought to be adopted for medical facilities in Delhi as well.

8. Secondly, *Id. Amicus* has also referred to the judgment dated 22nd March, 2007 in *Social Jurists, A Lawyers Group v. Government of NCT of Delhi & Ors. (2007 SCC OnLine Del 473)* where a Monitoring Committee was constituted to oversee and supervise the treatment of patients falling in the EWS category in private hospitals.

9. It is his further submission that the said Monitoring Committee has not functioned effectively since then and there is a need for reconstituting the Monitoring Committee so that the EWS facilities being extended by private hospitals can be adequately supervised and interim reports could be placed before this Court in this regard.

10. The brief note of submissions filed by the *Ld. Amicus*, have been handed over to Mr. Sameer Vashisht, *Id. Counsel* for GNCTD. Let the GNCTD file its stand in response to the same on record.

11. A senior official from the Health and Family Welfare, GNCTD shall join the proceedings on the next date of hearing.

12. List on 31st October, 2025 i.e., the date already fixed.

PRATHIBA M. SINGH, J.

MANMEET PRITAM SINGH ARORA, J.

SEPTEMBER 2, 2025

dj/ss