

ITEM NO.68

COURT NO.13

SECTION XVII-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

MISCELLANEOUS APPLICATION DIARY NO(S). 30408/2024

[Arising out of impugned final judgment and order dated 05-07-2024
in C.A. No. No. 8402/2016 passed by the Supreme Court of India]

ASIT BARAN MONDAL & ANR.

Petitioner(s)

VERSUS

DR. RITA SINHA MBBS MS (OBST. GYNAE) & ORS.

Respondent(s)

[TO BE TAKEN UP AT 10:30 A.M.]

IA No. 180620/2024 - EXEMPTION FROM FILING O.T.

IA No. 277011/2024 - EXEMPTION FROM FILING O.T.

IA No. 245842/2024 - EXEMPTION FROM FILING O.T.

IA No. 193928/2024 - EXEMPTION FROM PERSONAL APPEARANCE

IA No. 186421/2024 - EXEMPTION FROM PERSONAL APPEARANCE

Date : 13-10-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) By Courts Motion

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For Respondent(s) Mr. Sabarish Subramanian, AOR
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Ms. Ripul Swati Kumari, Adv.

Ms. Yachna Sharma, Adv.

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Mr. Amulya Upadhyay, Adv.

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Ms. Shivika Mehra, Adv.

Mr. Annirudh Sharma-(ii), Adv.

Ms. Seema Bengani, Adv.

Mr. Raman Yadav, Adv.

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Mr. Santosh Krishnan, AOR

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Mr. Kanu Agrawal, Adv.

Mr. Tadimalla Bhaskar Gowtham, Adv.

Mr. Krishna Kant Dubey, Adv.

Mr. Harish Pandey, Adv.

Mr. Shashwat Parihar, Adv.

Ms. Priyadarshni Priya, Adv.

Ms. Sansriti Pathak, Adv.

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State of Goa

Mr. Kamlender Mishra, AOR
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Mr. Krishna Pandey, Adv.
Ms. Aditi Mishra, Adv.

Mr. Kartikeya Rastogi, DAG
Ms. Inderdeep Kaur Raina, Adv
Ms. Tamanna Kavdia, Adv.

UPON hearing the counsel the Court made the following

O R D E R

The matter has been listed at the instance of the Court. The reason for doing so is that, on the last occasion, most of the States had not complied with the directions of this Court requiring them to carry out the exercise in terms of our earlier orders and to prepare and forward a report to the Committee constituted by this Court. Thus, we deemed it appropriate that the next date fixed i.e., 16.10.2025, be extended.

2. Accordingly, the matter be listed on 20.11.2025, at the top of the list.

3. We are more pained than shocked by the casualness shown by various States, that despite over indulgence shown by the Court with regard to the exercise, the orders of this Court have been taken very lightly by the officers concerned.

4. The States were directed to submit their respective reports after conducting the exercise indicated by this Court to the learned Additional Solicitor General, latest by 05.10.2025. However, compliance has not been ensured till date.

5. Today, we are informed that the following States/Union Territories have either not submitted the report or have submitted

it beyond the fixed date i.e., 05.10.2025:-

- i. **Arunachal Pradesh**
- ii. **Assam**
- iii. **Chhattisgarh**
- iv. **Goa**
- v. **Gujarat**
- vi. **Himachal Pradesh**
- vii. **Jharkhand**
- viii. **Karnataka**
- ix. **Kerala**
- x. **Madhya Pradesh**
- xi. **Maharashtra**
- xii. **Manipur**
- xiii. **Mizoram**
- xiv. **Odisha**
- xv. **Punjab**
- xvi. **Rajasthan**
- xvii. **Sikkim**
- xviii. **Telangana**
- xix. **Tripura**
- xx. **West Bengal**
- xxi. **Chandigarh**
- xxii. **NCT Delhi**
- xxiii. **Jammu and Kashmir**

- xxiv. Puducherry
- xxv. Lakshadweep
- xxvi. Ladakh
- xxvii. Andaman and Nicorbar
- xxviii. Dadra & Nagar Haveli and Daman & Diu

6. In our considered opinion, it is now time for the Court to take serious cognizance of such casualness shown by the States/Union Territories. The issue becomes more serious since in our order dated 18.09.2025, at paragraph No.6, it was indicated as under:-

"6. Learned counsel for some of the states, who are present, assure the Court that the process is already on and the reports would be submitted shortly. We would not like to keep the issue uncertain. Accordingly, we direct that the exercise as indicated in the order dated 19.08.2025 to be undertaken by the States should be completed as per the modalities indicated in the said order latest by 30.09.2025, if not already done. Thereafter, the reports shall be forwarded to learned ASG latest by 05.10.2025. We make it clear that if the same is not done, consequences as indicated in the order dated 19.08.2025 shall follow. We also make it mandatory and compulsory for the States to comply with the timeline indicated in the order dated 19.08.2025, as also what has been indicated above."

7. Accordingly, notice is issued to the concerned Additional Chief Secretary/Senior-most Official of the Department of Health of all the concerned States/Union Territories (UTs), as to why action be not taken against them for such casual approach shown towards the Court. The said officers shall remain personally present before this Court, along with their personally affirmed show cause

affidavits, on the next date of hearing, i.e., 20.11.2025.

8. It is made clear that the officers who have been directed to appear shall not cite any excuse, including any prior engagements or other programs, which shall be rescheduled to give priority to the order passed today.

9. We also make it clear that if, by the said date, there is non-compliance or if compliance is casual or by way of a perfunctory report, this Court would take a very strict view against the officers concerned and the States/UTs in general.

10. Before parting, the Court requests the Committee to meet at least once a week, if not more frequently, and spend time to deliberate on the material available to them and begin preparing a report, which we understand will require considerable time and effort from the learned members of the three-member Committee.

11. We also request Dr. Nitish Naik to be present in Court on 20.11.2025.

(VARSHA MENDIRATTA)
COURT MASTER (SH)

(ANJALI PANWAR)
COURT MASTER (NSH)