

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

WEDNESDAY, THE 31ST DAY OF JULY 2024 / 9TH SRAVANA, 1946

WP(C) NO. 27294 OF 2024

PETITIONER/S:

- 1 SABITHA K.B.
AGED 35 YEARS
W/O. PRATHEESH, RESIDING AT PACHAMPULLY HOUSE, THAI
NAGAR, KAIPAMANGALAM P.O., KAIPAMANGALAM VILLAGE,
KODUNGALLOOR TALUK, THRISSUR DISTRICT,, PIN - 680681**
- 2 FIROZ P.
AGED 46 YEARS
S/O. ALAVI, PERUMBALLY HOUSE, KIZHANGADI, KARUVAMBRAM
P.O., NARUKARA VILLAGE, ERANADU TALUK, MALAPPURAM
DISTRICT,, PIN - 676123
BY ADVS.
K.V.JAYADEEP MENON
T.P.RAMESH (THENGUMPILLIL)
P.KRISHNAPRIYA**

RESPONDENT/S:

- 1 THE STATE OF KERALA
REPRESENTED BY THE SECRETARY, HEALTH AND FAMILY WELFARE
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM,, PIN - 695001**
- 2 THE DISTRICT LEVEL AUTHORISATION COMMITTEE FOR RENAL
TRANSPLANTATION
REPRESENTED BY ITS CHAIRMAN, THE PRINCIPAL, GOVERNMENT
MEDICAL COLLEGE, KALAMASSERY P.O., ERNAKULAM DISTRICT,,
PIN - 683104**
- 3 THE LOCAL LEVEL COMMITTEE FOR RENAL TRANSPLANTATION
REPRESENTED BY ITS CHAIRMAN/MEDICAL DIRECTOR, MEDICAL
TRUST HOSPITAL REPRESENTED BY ITS MEDICAL DIRECTOR,
MAHATHMA GANDHI ROAD, PALLIMUKU, ERNAKULAM DISTRICT,,
PIN - 682016**

**SRI. SUNILKUMAR KURIAKOSE, SR. GP.
SRI. R.S. KALKURA - R2**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
31.07.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

JUDGMENT

The 2nd petitioner is suffering from chronic kidney disease, and the 1st petitioner has volunteered to donate her organ for the renal transplantation surgery. The petitioners are not near relatives and hence, they have to obtain approval of the 2nd respondent. For that purpose, the petitioners approached the 3rd respondent Local Level Committee. According to the petitioners, their application is not being accepted by the 3rd respondent for want of Certificate of Altruism from the police. Hence, this writ petition.

2. I heard the learned counsel for the petitioners and the 3rd respondent.

3. The learned counsel for the 3rd respondent submits that, so far the petitioners have not submitted the application along with requisite documents. Per contra, the learned counsel for the petitioners asserted that the application and all documents, except the certificate of Altruism, were submitted, but the 3rd respondent refused to accept the same.

4. This Court has repeatedly held that the Local Level

- 3 -

Committee cannot insist on production of certificate of Altruism as a condition for processing the application. If at all, it is for the 2nd respondent to call for the certificate.

The writ petition is hence disposed of, permitting the petitioners to re-submit the application and directing the 3rd respondent to process the application and forward the same to the 2nd respondent, if all the requisite documents, other than the Certificate of Altruism, are produced. On receipt of the application, the 2nd respondent shall take a decision thereon within two weeks.

Sd/ -

V . G . ARUN

JUDGE

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31.07.2024

APPENDIX OF WP(C) 27294/2024

PETITIONER EXHIBITS

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| Exhibit-P1 | TRUE PHOTOCOPY OF THE JOINT APPLICATION IN FORM -3 OF THE TRANSPLANTATION OF HUMAN ORGANS AND TISSUES RULES, 2014 DATED 20.07.2024 SUBMITTED BY THE PETITIONERS TO THE 3RD RESPONDENT HOSPITAL. |
| Exhibit-P2 | TRUE PHOTOCOPY OF THE APPLICATION FOR THE APPROVAL OF TRANSPLANTATION FROM LIVING DONOR UNDER FORM 11 OF THE TRANSPLANTATION OF HUMAN ORGANS AND TISSUES RULES, 2014 DATED 23.04.2024 SUBMITTED BY THE PETITIONERS TO THE 3RD RESPONDENT HOSPITAL. |
| Exhibit-P3 | TRUE PHOTOCOPY OF THE JOINT AFFIDAVIT OF THE PETITIONERS DATED 20.07.2024 . |
| Exhibit-P4 | TRUE PHOTOCOPY OF THE LETTER DATED 06.03.2024 ISSUED BY THE 3RD RESPONDENT TO THE 1ST PETITIONER DEMANDING THE POLICE VERIFICATION CERTIFICATE. |