

ITEM NO.73

COURT NO.13

SECTION II

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Miscellaneous Application Nos.16-17/2026 in SLP(Crl) Nos.16815-16816/2025

PRATIBHA KASHYAP

Applicant(s)/Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH &amp; ORS.

Respondent(s)

(FOR ADMISSION )

[PART HEARD BY HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH AND HON'BLE MR. JUSTICE R.MAHADEVAN]

Date : 27-05-2026 These matters were called for hearing today.

CORAM :

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH  
HON'BLE MR. JUSTICE R. MAHADEVAN

(By Courts Motion)

For Petitioner(s) Ms. Surabhi Sanchita, AoR

For Respondent(s) Mr. Ankit Goel, AoR

Mr. Sahil Kapoor, Adv.  
Mr. Anil Kumar, AoR  
Mr. Vishal Tiwari, Adv.  
Mr. Dhruv Singh, Adv.  
Mr. Pradeepkumar R, Adv.  
Mr. B. Shenbagam, Adv.  
Mr. Sudip Patra, Adv.  
Ms. Santosh, Adv.

Mr. Vikrant Narayan Vasudeva, AoR

O R D E R

Heard learned counsels for the parties.

2. At the outset, we would note that by our earlier order dated 16.04.2026, the Director, All India Institute of Medical Sciences (hereinafter referred to as "AIIMS") was impleaded as party respondent no.3. He was further directed to submit an explanation and the matter was directed to be listed today.

3. We find that an affidavit has been filed by way of an explanation and it is contended in the affidavit that it is in compliance and in response to the order dated 16.04.2026. The most objectionable part of the said affidavit is that one Nishant Kumar, who claims to be working as Deputy Secretary, AIIMS, New Delhi, is the person who has been authorised to file the affidavit. We pause here to indicate that we had specifically sought explanation to be furnished by Director, AIIMS and it is not within the discretion of any person to submit his/her explanation by authorising someone else to do the same.

4. In the present case, learned counsel appearing for the respondent no.3 submits that there is no permanent Director in AIIMS, New Delhi as of now. On a query, as to when, the previous Director demitted the office, the reply is that about two-three weeks back. On a further query, as to why, the person currently holding the charge of Director has not filed the explanation, the answer is that he is only in temporary capacity.

5. We are not only surprised but shocked at the said response. Any person who is on a post, either in substantive capacity or in acting capacity, has to take responsibility and perform the duty of the post held by him/her in whatever capacity it may be. We will not give benefit of doubt to the present Director/Acting Director

of any ignorance. Accordingly, in the Court's tentative view, the present Acting Director, AIIMS, New Delhi has committed contempt. Accordingly, Dr. Nikhil Tandon, Acting Director, AIIMS, New Delhi is impleaded as party respondent no.4. Notice in contempt is issued against him. Cause title be amended accordingly. He shall be personally present along with his explanation on the next date of listing i.e., 07.07.2026 at 12:Noon, treating it as part-heard.

6. Coming on merits, a report dated 18.05.2026 has been submitted by the Department of Forensic Medicine & Toxicology, AIIMS, New Delhi with regard to the DNA test conducted in the matter, the conclusion of which is as under:

"DNA profile of Ansh Kashyap is matching with DNA profile of Bimal Kishore and Pratibha Kashyap. Hence, Bimal Kishore is biological father of Ansh Kashyap."

7. Once the said report has come, we find that the present applications need to be disposed of. Accordingly, the Miscellaneous Applications stand disposed of. However, on 07.07.2026, the case shall be listed for the purpose of appearance of respondent no.4 with his show-cause.

8. Registry is directed to keep copy of the said report dated 18.05.2026 on record and copies of the same be provided to the learned counsel for the respondent no.1-State of Uttar Pradesh and also to the learned counsel for respondent no.2. The original report shall be handed over to the learned counsel for the petitioner, who, in turn shall hand over the same to the petitioner and file proof of the same before the next date.

9. Learned counsel for the petitioner shall place on record the copy of the said DNA report before the High Court, which shall then proceed with the matter in accordance with law.

(SAPNA BISHT)  
COURT MASTER (SH)

(ANJALI PANWAR)  
ASSISTANT REGISTRAR