



\$~37

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C)-IPD 29/2026**

DR. SMITA NISANTH NAMBISONPetitioner

Through: Mr. Gaurav Choubey, Advocate.

versus

NATIONAL HEALTH MISSION INDIA & ORS.Respondents

Through: Mr. Ayush Gaur, SPC with Ms. Ridhi Kapoor, Ms. Shivranjani and Mr. Varun Parashar, Advocates for R-1 and R-3.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **20.07.2026**

CM 181/2026 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

CM 182/2026

By way of the present application filed under section 151 of the Code of Civil Procedure, 1908 ('CPC'), the applicant/petitioner seeks exemption from filing lengthy synopsis and list of dates.

2. For the reasons stated in the application, which is duly supported by affidavit, the application is allowed.
3. Application stands disposed-of.

W.P.(C)-IPD 29/2026

4. By way of the present petition filed under Article 226 of the Constitution of India, the petitioner *inter-alia* seeks quashing of letter dated 11.11.2024 issued by respondent No.2 and letter dated



19.02.2025 issued by respondent No.1 as being arbitrary, misleading and violative of Articles 14 and 300A of the Constitution of India.

5. Issue notice.
6. Mr. Ayush Gaur, learned SPC appears for respondents Nos.1 and 3 on advance copy; accepts notice; and seeks time to file reply.
7. Upon the petitioner taking requisite steps, let notice be sent to respondents Nos.2 and 4 by all permissible modes, returnable for the next date.
8. Let counter-affidavit to the petition be filed within 04 weeks; rejoinder-affidavit thereto, if any, be filed within 03 weeks thereafter; with copies to the opposing counsel.
9. Re-notify before the learned Joint Registrar on 28th October 2026.
10. List before court thereafter.

CM 180/2026

11. By way of the present application filed under section 151 of the CPC, the petitioner seeks stay of the effect and operation of impugned communications dated 11.11.2024 and 19.02.2025. The petitioner also seeks a direction restraining the respondents from circulating further communications concerning the origin, development or intellectual property status of the Genetic Inheritance Prediction Counselling Identification Card ("GIPCI Card") based upon or arising from the impugned communications dated 11.11.2024 and 19.02.2025.
12. Mr. Gaurav Choubey, learned counsel appearing for the petitioner submits, that the petitioner is the patentee of Indian Patent No.



419529 for an invention titled “System, Apparatus, and Method for Automated Genetic Inheritance Pattern Identification and Counselling” and is also the registered owner of copyrights bearing Registration No. L-100233/2021 and L-89080/2020 for the literary and artistic works associated with the said invention, commercially known as a GIPCI Card.

13. Mr. Choubey submits, that the GIPCI Cards are a cost-effective and automated solution for predicting genetic inheritance patterns for single-gene disorders like Thalassemia and sickle cell anaemia; and that respondents Nos. 1 and 2, being the National Health Missions (‘NHM’) at Delhi and Madhya Pradesh, are using the GIPCI Cards to educate the tribal population on marriage compatibility and childbearing to identify the risks of genetic inheritance of diseases like sickle cell anaemia.
14. Learned counsel submits, that in their email dated 08.09.2022 issued by the concerned consultant of the NHM, Ministry of Health and Family Welfare of the Government of India (‘MoHFW’), the petitioner’s contribution has been admitted by the MoHFW in the following terms:

*“As discussed over phone, **please provide the material/explanation or any other relevant document on GIP card designed by you** during Sickle Cell Mission launched by Hon'ble PM last year in the State of Madhya Pradesh. It was very informative talking to you since you are associated with Sickle Cell elimination work since a long period, your valuable inputs could be shared with the National team.*



Further, I am attaching the format of the card shared by State Nodal officer of Madhya Pradesh (Blood Cell), it looks incomplete.”

(emphasis supplied)

15. Mr. Choubey therefore argues that even though the NHM has admitted that the GIPCI Card was designed by the petitioner, yet the cards have been used by the respondents without any license from the petitioner. Learned counsel has also drawn attention to certain WhatsApp chats between the petitioner and officers of the MoHFW, where the petitioner has informed the officers that the patent in the GIPCI card was registered in her favour in December 2020, *i.e.*, much before the Sickle Cell Anaemia Elimination Mission was launched by the Government.
16. Mr. Choubey has further drawn the court's attention to communication dated 19.02.2025 issued by the MoHFW to the mission directors of several states in India, which communication read as follows:

*“Kindly refer to this ministry's DO letter dated 9th February 2023 and 21st March 2023 regarding Sample Sickle Cell card to be issued to all screened population under Sickle Cell Anaemia Elimination Mission. **In this regard, some states raised issue of Intellectual Property Rights (IPRs) of the Sickle Cell card. It was mentioned during the review meeting that an organization is asserting ownership of the patent rights for the Sickle genetic card to state NHMs.***

*2. In continuation of the above DO letter, **it is mentioned that State task force committee, formed in state of Madhya Pradesh in June 2021, developed a comprehensive proposal that included the introduction of genetic counselling cards. The specifications of the cards were developed with input from the committee members.** The introduction of genetic counselling card*



for sickle cell was implemented in Madhya Pradesh since November 2021.

3. The sample for NHM Sickle cell card was prepared based on prototype of MP Govt. Sickle cell card with further changes such as addition of NHM logo /ABHA ID OR code etc.
Therefore, the SCD card prototype as issued by this office may be considered for use by state government with above facts into consideration.”

(emphasis supplied)

17. Learned counsel submits therefore, that having initially acknowledged that intellectual property rights in the GIPCI Card vest in the petitioner, the MoHFW is now misrepresenting to the mission directors of various states that the state task force committee formed in Madhya Pradesh developed a proposal for the genetic counselling cards, specifications of which were developed with inputs from committee members and that the card issued by the MoHFW was based on a prototype of the Madhya Pradesh Government's sample sickle cell card.
18. Mr. Choubey submits, that the aforementioned statement is a clear misrepresentation by the MoHFW in relation to the GIPCI Cards, to which cards the petitioner enjoys intellectual property rights, both as a patentee and as a registered copyright owner.
19. Issue notice.
20. Mr. Ayush Gaur, learned counsel appears for respondents Nos.1 and 3 on advance copy; accepts notice; and seeks time to take instructions and file reply.



21. Upon the petitioner taking requisite steps, let notice be sent to respondents Nos.2 and 4 by all permissible modes, returnable for the next date.
22. Let replies to the application be filed within 04 weeks; rejoinder thereto, if any, be filed within 03 weeks thereafter; with copies to the opposing counsel.
23. Re-notify before the learned Joint Registrar for completion of pleadings in this application on 28th October 2026.
24. List before court after completion of pleadings in this application.
25. Since the GIPCI Cards are being used in the Sick Cell Anaemia Elimination Mission as part of the National Health Mission, even though the petitioner has *prima-facie* made-out her rights to the cards as averred in the petition, in the higher interests of public health, this court refrains from restraining the respondents from using the cards as part of that mission.
26. However, as an interim measure, respondents Nos. 1 and 3 *are restrained* from disseminating any further the contents of letter dated 19.02.2025 referred to above, representing that the GIPCI Card was developed on the basis of a prototype of the Madhya Pradesh Government, till the next date of hearing.

ANUP JAIRAM BHAMBHANI, J

JULY 20, 2026/ak