



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2017

CORAM

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P. (MD) No.24018 of 2016

and

WMP (MD) No.17324 of 2016, 1411 and 11695 of 2017

WEB COPY

Tanisha Yadhav

: Petitioner

-vs-

1. The Government of Tamil,
rep by its Secretary,
Health and Family Welfare Department,
Fort St. George,
Chennai.
2. The Dean,
The Government Hospital,
Thanjavur.
3. The Professor of Radio Diagnosis,
Thanjavur Medical College &
Raja Mirasudhar Hospital,
Thanjavur.
4. The Secretary,
The Tamil Nadu State Aquatic Association,
Room No.8, SDAT Aquatic Complex,
Velachery Main Road,
Velachery,
Chennai-600032.

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a writ of Certiorarified Mandamus, calling for the records pertaining to the order, dated 27.06.2016 passed by the 3rd respondent and quash the same and consequently, direct the 2nd respondent to refer the Age Estimation Test of the petitioner to be conducted by a Medical Board of any Government Hospital preferably by the Government Rajaji Hospital, Madurai or the Kilpauk Government Medical College Hospital, Chennai.

For Petitioner

: Mr.C.Muthusaravanan

For R1 to R3

: Mr.C.Selvaraj
Special Government Pleader

For 4th respondent

: Mr.L.Muralikrishnan

**ORDER**

The writ petition is filed to quash the order of the 3rd respondent, dated 27.06.2016 and consequently, direct the 2nd respondent to refer the Age Estimation Test of the petitioner to be conducted by a Medical Board of any Government Hospital preferably by the Government Rajaji Hospital, Madurai or Kilpauk Government Medical College Hospital, Chennai.

2. According to the petitioner, she is presently studying in 5th standard in Campion Anglo Indian Higher Secondary School, Trichy and she is a freestyle swimmer and she has won prizes and she is below 10 years. But, the Coach Mr.D.Tamilvanan, who is attached with the Sports Centre had informed that based on the Age Estimation report, the petitioner cannot be permitted to participate in the Championship as she was determined to be in Medical Age range 10-12 years by the 3rd respondent and that the petitioner has not received any such report either from the 3rd respondent or from the 2nd respondent hospital and that the petitioner was prevented by the authorities from her participation in the National Level Championship and due to the order passed by the 3rd respondent, the petitioner is prevented from participating any of the competitions to her age. It is further submitted that when the Dentist and the Radiologist of the same Hospital have come up with different opinion, it is the duty of the 2nd respondent to refer the test to be conducted by the Medical Board of the any Government Hospital. Hence, the present writ petition.

3. Mr.C.Selvaraj, learned Special Government Pleader, on instructions, would submit that the respondents are ready to constitute the second medical board.

4. In the light of above facts and to secure the ends of justice, the impugned order is set aside and the respondents are directed to constitute the second medical board within a period of four weeks from the date of receipt of a order copy and the petitioner shall deposit cost for constitution of the second medical board.

5. Accordingly, the writ petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar



To,

1. The Secretary,
Health and Family Welfare Department,
Fort St. George,
Chennai.

2. The Dean,
The Government Hospital,
Thanjavur.

3. The Professor of Radio Diagnosis,
Thanjavur Medical College &
Raja Mirasudhar Hospital,
Thanjavur.

4. The Secretary,
The Tamil Nadu State Aquatic Association,
Room No.8, SDAT Aquatic Complex,
Velachery Main Road,
Velachery,
Chennai-600 032.

+1cc to Mr.C.Muthusaravanan, Advocate Sr.No.75958
+1cc to Spl.Government Pleader Sr.No.76102

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VB/SV/MMS/SAR3/19/09/2017/3P/7C

W.P. (MD) No.24018 of 2016
31.08.2017