

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.A. No. 584 of 2016

M. Manoharan ... Appellant/Petitioner

Vs.

1. Medical Board Chairman/Joint Director
Joint Directorate,
Nagapattinam,
Nagapattinam District.

2. Dr. Senthil Kumar

3. Mr. Ashok Kumar

4. The District Collector,
Nagapattinam District,
Nagapattinam

5. The Director
Health and Welfare Department,
DMS Campus,
Thenampet,
Chennai - 6.

... Respondents/Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 01.04.2016 in W.P. No. 12363 of 2016 on the file of this Court.

Prayer in W.P.No.12363 of 2016:

Petition Under Article 226 of the Constitution of India, praying for the issue a Writ of Certiorarified Mandamus calling for the records from the file of 1st respondent in his reference No.2083/ME/2015 dt 23.6.2015 and quash the same and direct the 5th respondent to conduct re examination to assess the Mental Agony of the petitioner.

For Appellant : Ms. D. Malarvizhi

For Respondents: Ms. A. Sri Jayanthi,
Special Govt. Pleader for R4& R5
R1 to R3 - No appearance

J U D G M E N T

(Delivered by M.M.Sundresh,J.)

Heard, Ms.D. Malarvizhi learned counsel appearing for the appellant and Ms.A. Sri Jayanthi, learned Special Government Pleader for Respondent Nos. 4 and 5.

2. The appellant has challenged the certificate of Respondent No.1 and sought further direction to conduct re-examination. The appellant sought for two months leave on the ground of mental agony, though he refused to sign the prescribed format. On clinical examination, no evidence of psychiatric illness was found. Notwithstanding the same, the appellant was given further chance to undergo psychological assessment at Psychiatric Outpatient Department at Government District Headquarters Hospital, Nagapattinam and for that purpose an out-patient slip was issued.

3. The appellant did not undergo the test, instead picked up quarrel at the Government Hospital. Therefore, based upon the earlier assessment made, a Certificate was issued. The appellant on the next day demanded reassessment by the same Psychiatrist and Psychologist. He was clinically assessed and once again found to be having no illness of mental agony.

4. Hence, the appellant has come forward to file this writ petition, inter alia, alleging that medical report was issued on 23.6.2015 itself, without considering the opinion of respondents 2 and 3, who reassessed the appellant on 24.6.2015.

5. It appears that though the appellant attended Psychiatric Outpatient Department on 24.6.2015 on his own and demanded reassessment, the Board felt that there was no need for change in opinion and, therefore, the certificate dated 23.06.2015 was dispatched on 24.06.2015. It also appears that the appellant has not taken any treatment for his illness and has not produced any document for the same.

6. In such view of the matter, we do not find any error in the order of the learned Single Judge warranting interference. Thus, the writ appeal stands dismissed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ssm
To

1. The Chairman/Joint Director,
Medical Board,
Joint Directorate, Nagapattinam,
Nagapattinam District.
2. The District Collector,
Nagapattinam District,
Nagapattinam
3. The Director
Health and Welfare Department,
DMS Campus,
Thenampet,
Chennai - 6.

+lcc to M/S.D.Malarvizhi, Advocate Sr.2041

W.A. No. 584 of 2016

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srg 05/02/2019