

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2019

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 30226 of 2019

Minor Mugilvendan,
Represented by her next friend, Mother J. Grija,
W/o. Jayaraj,
No. 212, Velanthottam Lane,
Thiruvanthipuram,
Cuddalore Taluk and District.

... Petitioner

-vs-

1. The Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Fort St. George,
Chennai - 600 009.

2. The Registrar,
Tamil Nadu Medical Council,
No. 914, Poonamalle High Road,
Arumbakkam,
Chennai - 600 106.

3. Dr. R.H. Govaradhan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Second Respondent to take entire body checkup to the victim (Mugilvendan) through a medical committee and issue a medical certificate and to take disciplinary action against the Third Respondent and co-doctors and staffs and Anaesthetist.

For Petitioner : Mr. L. Kannan

For Respondents: Mr. M. Karthikeyan,
Additional Government Pleader (for R1)
Mr. G. Sankaran,
Standing Counsel (for R2)

Mr. V. Ravi (for R3)

O R D E R

Heard Mr. L. Kannan, Learned Counsel for the Petitioner,
Mr. M. Karthikeyan, Learned Additional Government Pleader
appearing for the First Respondent, Mr. G. Sankaran, Learned
Standing Counsel appearing for the Second Respondent and

Mr. V. Ravi, Learned Counsel appearing for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for a direction to the Second Respondent to take entire body checkup to the victim, viz., Mugilvendan, through a Medical Committee and issue Medical Certificate and to take disciplinary action against the Third Respondent and co-doctors and staffs and Anaesthetist.

3. Learned Standing Counsel appearing for the Second Respondent submits that after receipt of the complaint dated 19.06.2019 from Mr. L. Kannan, Advocate on behalf of the complainant, explanation were called from the Third Respondent by notice dated 03.07.2019 and reply dated 06.08.2019 has been received for the same. It is further stated that enquiry would be taken up shortly by the Disciplinary Committee of the Medical Council, and that its decision would be placed before the Council for confirmation, that final orders would be passed after getting confirmation of the Council, and that it is expected that it would take four to five months to complete the entire process, and memo to that effect has been filed, which is recorded.

4. It is made clear that while taking any action in the matter, it shall be ensured that the relevant statutory provisions governing the same are duly followed in consonance with the principles of natural justice. After affording full opportunity of hearing to all parties concerned, the competent authority shall consider each of the contentions raised by the parties and pass reasoned orders on merits in accordance with law, and shall communicate the decision taken to them under written acknowledgment and a report of the compliance in this regard is filed before the Registrar (Judicial) of this Court by 28.02.2020. It is needless to add here that depending upon the outcome, if any of the parties still has any grievance to be redressed in the matter, it is open to them to work out their remedy for necessary relief before the competent forum in the manner recognized by law.

5. The Writ Petition is disposed on the aforesaid terms. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Fort St. George,
Chennai - 600 009.

2. The Registrar,
Tamil Nadu Medical Council,
No. 914, Poonamalle High Road,
Arumbakkam,
Chennai - 600 106.

3. The Registrar(Judicial),
High Court, Madras.

+1cc to Mr.G.Sankaran, Advocate sr.91186

+1cc to Government Pleader SR.NO. 91109

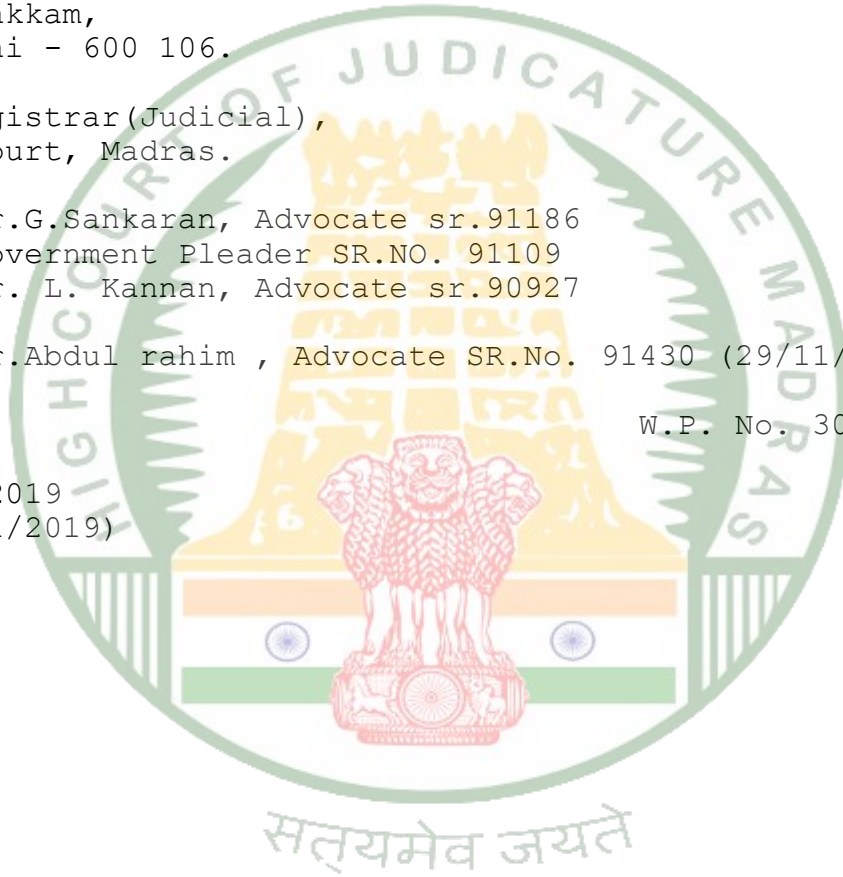
+1cc to Mr. L. Kannan, Advocate sr.90927

+1cc to Mr.Abdul rahim , Advocate SR.No. 91430 (29/11/2019)

W.P. No. 30226 of 2019

nr 19/11/2019

A.SK(29/11/2019)



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