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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.35214 of 2019
and W.M.P No.36003 of 2019

P.Sinduja

Petitioner

vs.

1. The Director,
Directorate of Public Health and Preventive Medicine,
No.359, Anna Salai,
DMS Complex,
Teynampet,
Chennai - 600 006.
2. The Deputy Director,
Deputy Director of Health Service,
Krishnagiri HUD,
Collectorate Back Side,
New RTO Office,
Via Ramapuram Post-635 115.
3. The President,
Tamil Nadu Medical Council,
No.914, Poonamallee High Road,
Arumbakkam,
Chennai.
4. The District Collector,
District Collectorate Office,
Krishnagiri,
Krishnagiri District -635 001.
5. The Secretary to Government of Tamil Nadu,
Municipal and Health Department,
Secretariat,
Chennai - 600 009.
6. The Director,
Directorate of Medical Education,
No.162, EVR Salai,
Kilpauk,
Chennai - 10.

7. Dr.B.Saravanakumar

Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the Directorate of Public Health and Preventive Medicine and respondents 2 to 6 by considering the petitioner representation to take necessary action against the Dr.B.Saravanakumar / 7th respondent herein.

For Petitioner : Ms.P.Sinduja
Party-in-person

For Respondents: Mr.V.Kadhirvel
Special Government Pleader for R1 to R6

O R D E R

This writ petition has been filed for a direction to the respondents to take action against the 7th respondent who is working as a Doctor in the Government Department.

2.The case of the petitioner is that she got married to the 7th respondent and there was a matrimonial dispute between the parties and proceedings are pending before the Sub Court, Vellore, wherein the petitioner has also claimed for maintenance from the 7th respondent. It is also seen from records that the Sub Court, Vellore by an order dated 06.07.2016 has also ordered for interim maintenance pending HMOP. The entire grievance of the petitioner is the personal dispute between herself and the 7th respondent and it is claimed by the petitioner that she has been treated with cruelty by the 7th respondent.

3.The petitioner has now questioned the competency of the 7th respondent to hold the position of a Government Doctor and according to the petitioner, the 7th respondent has done malpractice and passed the MBBS examination and he is not eligible to function as a Doctor.

4.The petitioner appeared in-person before this Court and she reiterated the averments that were made in the affidavit filed in support of writ petition. The petitioner submitted that the 7th respondent is suffering from a permanent disability and he underwent a major Neuro surgery in the year 1999 and he is incapable to function as Doctor since, the injury has resulted in slowing down his movements of the limbs and he is not even in a position to write due to his Neuro disability. Therefore, the petitioner submitted that the services of the 7th respondent should not be continued and he must be removed from the services.

5.The grievance that has been expressed before this Court by the petitioner is impelled by a personal matrimonial



dispute between the petitioner and the 7th respondent. Proceedings are pending before the competent Court in HMOP No.54 of 2013. Now the petitioner is taking a stand that the 7th respondent is ineligible to hold the post of Government Doctor since, he is suffering from Neuro disability and therefore, he must be removed from service. This grievance that is expressed by the petitioner cannot be entertained by this Court in exercise of its jurisdiction under Article 226 of the Constitution of India. The personal dispute between the petitioner and the 7th respondent is now being sought to be elevated to the extent that the petitioner is questioning the abilities of the 7th respondent to continue as a Doctor in the Government Department. This Court cannot be used for such purposes and ability of the 7th respondent to function as Doctor is something to be assessed by the official respondents. The official respondents cannot afford to keep a Doctor who is incapable of functioning. Therefore, the petitioner cannot be allowed to settle her personal dispute with the 7th respondent by means of filing this writ petition before this Court.

6.This Court is not inclined to entertain this writ petition and accordingly this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No Costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ssr

To

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2. The Deputy Director,
Deputy Director of Health Service,
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4. The District Collector,
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5. The Secretary to Government of Tamil Nadu,
Municipal and Health Department,
Secretariat,
Chennai - 600 009.

6. The Director,
Directorate of Medical Education,
No.162, EVR Salai,
Kilpauk,
Chennai - 10.

7. The Public Prosecutor,
High Court, Madras.

+1cc to Mrs.P.Sinduja, party in person Advocate SR.No. 105593
+1 cc to Government Pleader Sr.No. 106708

W.P No.35214 of 2019
and W.M.P No.36003 of 2019

A.SK(08/01/2020)