

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CWP No.9038 of 2019
Date of decision : 4.4.2019

Rajiv

.....Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.Robin Singh Hooda, Advocate for the
petitioner.

TEJINDER SINGH DHINDSA, J.

Pleadings on record would indicate that the petitioner herein had made complaints at the CM window, State of Haryana as also the S.P., Sonapat with regard to negligence at the hands of the doctors at FIMS Hospital pertaining to the untimely death of his brother Sanjay.

Acting on the complaints, a direction was issued by the Deputy Commissioner, Sonapat vide letter dated 11.4.2018 and in terms of which a District Medical Board was constituted to conduct an enquiry.

The instant writ petition has been filed seeking a Mandamus for directing the official respondents under the concerned department of the State of Haryana to re-constitute the Medical Board so as to be in line with notification dated 31.5.2017, Annexure P.3, issued by the Haryana Govt., Health Department.

During the course of hearing, this Court has perused and examined notification dated 31.5.2017 whereunder the constitution of the District Medical Board stands defined.

Counsel for the petitioner has even adverted to the application at Annexure P.1 made by the petitioner in pursuance to which the District Medical Board was constituted and the members stand indicated (page 38 of the paper-book).

Counsel for the petitioner has not been able to demonstrate as to how the Constitution of District Medical Board (at page 38) is at variance with the notification dated 31.5.2017 at Annexure P.3.

Confronted with such state of affairs, counsel for the petitioner would now proceed to advance submissions so as to point infirmities in the report that had been submitted by the District Medical Board and made an attempt to impress upon this Court that fair opportunity was not granted to the petitioner and neither have the statements of the doctors concerned been recorded nor appreciated in the correct perspective.

Such submissions and contentions raised by counsel for the petitioner cannot be even gone into as the

report of the District Medical Board has not even been placed on the record.

The sole prayer in the instant petition was for re-constitution of the District Medical Board on the assertion that it was violative of Health Department notification dated 31.5.2017.

At the costs of reiteration, such prayer has been found to be ill-founded as the constitution of the District Medical Board at page 38 of the paper-book is in consonance with the Constitution as defined under the notification dated 31.5.2017, Annexure P.3.

No interference in the matter is called for.

Petition is dismissed.

April 4, 2019
KD

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking / reasoned:
Whether Reportable:

Yes / No
Yes / No