

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2020

CORAM

THE HON'BLE MR. JUSTICE V.PARTHIBAN

W.P.No.6904 of 2020

Dr.M.Sundaram

...Petitioner

Vs.

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

2.The Commissioner/Director,
Directorate of Indian Medicine
& Homeopathy,
Arumbakkam, Chennai.

3.The Director of Medical Services,
Directorate of Medical & Rural
Health Services,
DMS Complex,
Teynampet, Chennai.

4.The Joint Director of
Health Services,
Government District Head
Quarters Hospital,
Perambalur.

5.The District Siddha Medical
Officer,
Mahatma Gandhi Centenary
Hospital Campus,
Puthur, Trichy - 17.

6.Dr.A.Manimegalai,
Assistant Medical Officer
(Siddha),
Government Hospital,
Krishnapuram,
Veppanthattai Taluk,
Perambalur District.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Mandamus, to take action on report submitted by the 5th respondent herein to the Commissioner, Directorate of Indian Medicine & Homeopathy, Arumbakkam, Chennai, the 2nd respondent herein on 25.07.2016 vide proceedings in Na.Ka.No.5239/E/2016 against Dr.S.Manimegalai, the 6th respondent herein in accordance with law.

For Petitioner : Mr.C.D.Johnson
For RR 1 to 5 : Mr.J.Pothiraj
Special Government Pleader

ORDER

The petitioner has filed the present writ petition seeking the following relief:

"To take action on report submitted by the 5th respondent herein to the Commissioner, Directorate of Indian Medicine & Homeopathy, Arumbakkam, Chennai, the 2nd respondent herein on 25.07.2016 vide proceedings in Na.Ka.No.5239/E/2016 against Dr.S.Manimegalai, the 6th respondent herein, in accordance with law."

2. The case of the petitioner is that he is presently working as Chief Medical Officer, at Government Hospital, Krishnapuram, Veppanthattai Taluk, Perambalur District. According to him, the sixth respondent herein, was working as a Doctor attached to Siddha Wing in the Government Hospital, Krishnapuram. The sixth respondent, according to the petitioner, was not carrying out the instructions issued by the Superiors during the outbreak of communicable diseases in 2015. In the affidavit filed in support of the writ petition, number of incidents have been pointed out, wherein, the sixth respondent was alleged to have not discharged her duties primarily as a Doctor attached to the Siddha Wing.

3. In the affidavit, the petitioner has also reeled out plethora of facts as to the day-to-day functioning of the hospital in 2015-2016 as to what transpired among the doctors, their inter-personal relationship, etc. Among the plethora of averments, it is also stated that there was an enquiry against the sixth respondent in form of disciplinary proceedings and the enquiry report was filed some time ago and no final action has been taken against the sixth respondent. It is also averred in the affidavit that there was a sexual harassment case against the petitioner, at the instance of the sixth respondent.

4. The petitioner has stated multitude of facts, most of it are absolutely not relevant as to the final prayer sought by him in the writ petition. The affidavit contains 32 paragraphs and ultimately, it is found that all that what the petitioner wants is a direction to the 2nd respondent to submit an action taken report in reference to the report submitted by the 5th respondent against the sixth respondent.

5. From the entirety of averments, it could be seen that the petitioner and the sixth respondent having a running feud in the day -to- day running of the hospital and the present writ petition appears to have been filed by the petitioner in order to settle his personal scores with the sixth respondent. As per his own averments, the sixth respondent has given a complaint against him for sexual harassment and therefore, obviously, the petitioner herein has an axe to grind against the sixth respondent.

6. This Court's Constitutional jurisdiction under Article 226 of Constitution of India, cannot be misused by the petitioner to settle his grudge with the sixth respondent and certainly, this Court will not allow its jurisdiction to aid the petitioner to carry out his personal agenda against the sixth respondent. The entire affidavit shows that the petitioner's intention is to ensure that the sixth respondent is visited with some adversity. The averments relating to the enquiry conducted against the sixth respondent and regarding the submission of report, etc., are all concern of the second respondent, who initiated the disciplinary proceedings and certainly, it is not the concern of the petitioner who is having strained relationship with the sixth respondent. Therefore, this Court has come to a irresistible conclusion that the writ petition lacks in bonafides and such writ petition cannot be entertained at all and no direction can be issued, as prayed for.

7. For the above said reasons, this Court finds that the writ petition is devoid of merits and substance and hence, the same is dismissed. No costs.

Sd/-
Assistant Registrar(CS III)
//True Copy//

Sub Assistant Registrar

nsd/dn

To

- 1.The Principal Secretary,
Health and Family Welfare,
St. George Fort, Chennai.
- 2.The Commissioner/Director,
Directorate of Indian Medicine
& Homeopathy,
Arumbakkam, Chennai.
- 3.The Director of Medical Services,
Directorate of Medical & Rural
Health Services,
DMS Complex,
Teynampet, Chennai.
- 4.The Joint Director of
Health Services,
Government District Head
Quarters Hospital,
Perambalur.
- 5.The District Siddha Medical
Officer,
Mahatma Gandhi Centenary
Hospital Campus,
Puthur, Trichy - 17.

+1cc to M/s.C.D.Johnson, Advocate, S.R.No.24373
+1cc to the Government Pleader, S.R.No.24489

W.P.No.6904 of 2020

SSV(CO)
KKV/13/08/2020

सत्यमेव जयते

WEB COPY