

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2021

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.13134 of 2020

Dr.P.V.Rajender Kumar

... Petitioner

Vs.

1. Government of Tamil Nadu,  
Represented by Secretary,  
Fort St.George,  
Chennai - 600 009.
  2. Tamil Nadu Medical Council,  
Represented by Dr.K.Senthil,  
President,  
No.914, Poonamallee High Road,  
Arumbakkam, Chennai, Tamil Nadu.
  3. Medical Council of India,  
Pocket - 14, Sector -8, Dwarka Phase - 1,  
New Delhi - 110 077, India.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the 2<sup>nd</sup> respondent, under the supervision of the 3<sup>rd</sup> respondent, to take the complaint filed by the petitioner dated 29th October 2019 on record and initiate an investigation and an enquiry under the provisions of and in terms of Tamil Nadu Medical Registration Act 1914 and the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations 2002 read along with the Tamil Nadu Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2003 in a timely manner.

For Petitioner : Ms.Ranjana

For Respondents : Mr.V.Shanmugasundar for R1  
Special Government Pleader

Mr.G.Sankaran for R2 & R3  
Standing Counsel

## O R D E R

This writ petition has been filed for a mandamus seeking for a direction to the second respondent under the supervision of the third respondent to take the complaint filed by the petitioner dated 29.10.2019 on record and initiate an investigation and an enquiry under the provisions of and in terms of Tamil Nadu Medical Registration Act 1914 and the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations 2002 read along with the Tamil Nadu Medical Council (Professional Conduct Etiquette and Ethics) Regulations 2003 within a time frame to be fixed by this Court.

2.It is the case of the petitioner that his wife late Dr.Swarnalatha Rajenderkumar died on 25.04.2018 due to medical negligence.

3.The petitioner who is the husband of late Dr.Swarnalatha Rajenderkumar has lodged a complaint on 29.10.2019 with the second respondent to take action against the erring Doctors under the provisions of and in terms of Tamil Nadu Medical Registration Act 1914 and the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations 2002 read along with the Tamil Nadu Medical Council (Professional Conduct Etiquette and Ethics) Regulations 2003.

4.It is also the case of the petitioner that till date his complaint has not been taken on record and disciplinary proceedings has also not been initiated against the erring Doctors. In such circumstances, he has filed this writ petition.

5.Heard Ms.Ranjana, learned counsel for the petitioner, Mr.V.Shanmugasundar, learned Special Government Pleader for the first respondent and Mr.G.Sankaran, learned counsel for the respondents 2 and 3.

6.Mr.G.Sankaran, learned Standing Counsel for the respondents 2 and 3 on instructions would submit that the complaint lodged by the petitioner has been taken on record and disciplinary proceedings have been initiated against the Doctors namely Dr.Balamurugan and Dr.Sankar Ganesh and he would submit that within a period of four months, they will be able to complete the enquiry and pass final orders. For this submission, the learned counsel for the petitioner is satisfied.

7.For the foregoing reasons, this Court directs the second respondent to pass final orders on the petitioner's complaint dated 29.10.2019 seeking for initiation of disciplinary proceedings against the erring Doctors and the hospital on

account of the alleged medical negligence committed by them which resulted in the death of petitioner's wife late Dr.Swarnalatha Rajenderkumar and pass final orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

8.With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

pam

To

1. The Secretary,  
Government of Tamil Nadu,  
Fort St.George,  
Chennai - 600 009.
2. Tamil Nadu Medical Council,  
Represented by Dr.K.Senthil,  
President,  
No.914, Poonamallee High Road,  
Arumbakkam, Chennai, Tamil Nadu.
3. Medical Council of India,  
Pocket - 14, Sector -8, Dwarka Phase - 1,  
New Delhi - 110 077, India.

+1 cc to M/s.Raj Jhabakh, Advocate Sr.No. 3767  
+1 cc to M/s.G.Sankaran, Advocate Sr.No. 3883

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VSNII (CO)  
RMP (03/02/2021)