



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.20164 of 2021

Rajesh

... Petitioner

Vs.

1.The Dean,
Tirunelveli Medical College Hospital,
Tirunelveli.

2.State represented through,
The District Collector,
Tirunelveli District,
Tirunelveli.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to enquire into the matter and grant the petitioner's disability certificate to the petitioner based on the available medical records.

For Petitioner : Mr.T.Selvakumaran
For Respondents : Mr.D.Gandhiraj
Special Government Pleader

ORDER

Mr.D.Gandhiraj, learned Special Government Pleader takes notice for the respondents.

2.The petitioner herein met with an accident on 10.11.2015. According to him, he suffered the following injuries:-

- "a. Fracture over the right leg below knee
- b. Fracture over the right leg knee
- c. Fracture over the right leg thigh
- d. Fracture over the right shoulder
- e. Fracture over the mandible
- f. Loss of incisors
- g. Abrasion over the right-hand knee
- h. Abrasion over the left-hand knee
- I. Right Eye vision blurred."

He had been admitted to various hospitals and he has also been treated. Among various treatments a steel rod has been inserted in the affected area. Thereafter, he filed a claim petition in M.C.O.P.No.119 of 2016 on the file of the Motor Accidents Claims Tribunal (Special Subordinate Judge), Tirunelveli seeking



compensation for the injuries.

3.To get a compensation, he must be issued certificate with respect to the nature of injuries, which he suffered. The petition was actually been referred to Lok Adalat, where, a certificate was issued that the petitioner suffered 63.2% disability.

4.Now, the Court had further directed that the petitioner should be once again examined by the first respondent. The first respondent is the Dean of Tirunelveli Medical College Hospital, Tirunelveli who normally forms a Medical Board and thereafter, the injury suffered is examined pursuant to the direction of the Court.

5.Now, a direction is issued to the first Respondent, the Dean, Tirunelveli Medical College Hospital to form a Medical Board, preferably, on or before 30.11.2021 and examine the petitioner on the basis of the available certificates and also if required, make enquiries with the doctor, who had issued records with respect to the treatment given to the petitioner, and then issue disability certificate to the petitioner, preferably on or before 15.12.2021.

6.With the above observation, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Dean,
Tirunelveli Medical College Hospital, Tirunelveli.

2.The District Collector,
Tirunelveli District, Tirunelveli.

+1 CC to M/s.T.SELVAKUMARAN, Advocate (SR-33988[F] dated 10/11/2021)

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10.11.2021

RS/JGB (16.11.2021) 2P 4C

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