



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.22345 of 2018

Dr.P.K.Palanisamy,
S/o. Late P.Kandasamy Naidu

...Petitioner

Vs.

1. The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai-600 009.
2. The Registrar,
Tamil Nadu Medical Council,
No.914, Poonamallee High Road,
Arumbakkam, Chennai-106.
3. The Director of Medical Education,
162, EVR Salai, Kilpauk, Chennai-10.
4. The Dean,
Govt. Mohan Kumaramangalam Medical College,
Steel Plant Road,
Salem-636 030.
5. The Dean,
Govt. Mohan Kumaramangalam
Medical College Hospital,
Salem-636 001.
6. Dr.P.Samikrishnan,
S/o. K. Perumal,
Assistant Professor of Rheumatology,
Govt. Mohan Kumaramangalam Medical College,
Steel Plant Road,
Salem - 636 030.

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 5 to take appropriate action on the 6th respondent and direct the respondents 1 to 5 to pay compensation in light of the petitioner's representation dated 18.06.2018.



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For Petitioner : Mr.K.S.Karthik Raja

For Respondents: Mr.V.Jeevagiridharan

Addl. Govt. Pleader for R1,R3 & R5

Mr.G.Sankaran for R2

No appearance for R6

O R D E R

This Writ Petition has been filed seeking a direction directing the respondents 1 to 5 to take action against the 6th respondent and to pay compensation as per petitioner's representation dated 18.06.2018.

2.Even though notice served on the 6th respondent and name of 6th respondent was also printed in the cause list, none appeared on behalf of respondent.

3.The grievance of the petitioner is that, he has taken treatment in the 6th respondent hospital and due to wrong diagnosis and treatment, he has suffered serious injury of 75% of poly-neuropathy and lost hearing. In the said circumstances, he has made a representation to the respondents 1 to 5 to take action against the 6th respondent on 18.06.2018, but so far, it was not considered. Hence, the present Writ Petition has been filed by the petitioner.

4.Mr.V.Jeevagiridharan, learned Addl. Govt. Pleader appearing for respondents 1, 3 and 5, would submit that, the 2nd respondent is the competent authority to consider petitioner's representation and pass orders.

5.Mr.G.Sankaran, learned counsel appearing for 2nd respondent would submit that, the 2nd respondent is the competent authority to consider the representation of the petitioner. The learned counsel, on instructions, would further submit that, they will take appropriate action on the representation of the petitioner, conduct enquiry and pass suitable orders after hearing the petitioner as well as 6th respondent.

6.Heard and considered rival submissions made by learned counsel appearing for both sides and perused the records carefully.

7.Considering the limited prayer sought in this Writ Petition, without going into the merits of the case, the 2nd respondent is directed to consider petitioner's representation



and pass suitable orders on merits and in accordance with law after hearing the petitioner as well as 6th respondent within a period of twelve weeks from the date of receipt of copy of this order. Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rpp

To

1. The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai-600 009.
2. The Registrar,
Tamil Nadu Medical Council,
No.914, Poonamallee High Road,
Arumbakkam, Chennai-106.
3. The Director of Medical Education,
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Govt. Mohan Kumaramangalam Medical College,
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Salem-636 030.
5. The Dean,
Govt. Mohan Kumaramangalam
Medical College Hospital,
Salem-636 001.
6. Dr.P.Samikrishnan,
S/o. K. Perumal,
Assistant Professor of Rheumatology,
Govt. Mohan Kumaramangalam Medical College,
Steel Plant Road, Salem - 636 030.

+1cc to Mr.G.Sankaran, Advocate, S.R.No.21551
+1cc to the Government Pleader, S.R.No.21773

W.P.No.22345 of 2018

AK(CO)
RGA(19/05/2022)