



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.2432 of 2022

R.Muthulakshmi

... Petitioner

Vs.

The Dean,
Government Rajaji Hospital,
RMO Office,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to permit the petitioner to produce the petitioner's husband to appear before the Medical Board in order to examine the petitioner's husband namely Y.Ramprasad medically in order to ascertain the medical illness and declare him medically invalidated to deal with any matter on his own by issuing the certificate to the effect based on the representation given by the petitioner on 03.01.2022 and on that basis by enabling the petitioner to act as Guardian to the petitioner's husband for filing the G.W.O.P. before an appropriate forum.

For Petitioner	: Mr.V.R.Venkatesan
For Respondent	: Mrs.S.Jeyapriya Government Advocate

O R D E R

This writ petition has been filed seeking for a direction for issuance of a medical certificate for Mr.Y.Ramprasad, the petitioner's husband who according to the petitioner is a medically invalid person and a legal guardian has to be appointed and the petitioner who is his wife is the suitable legal guardian.

2.It is the case of the writ petitioner that the petitioner's husband has appeared before the medical board of the respondent hospital for the purpose of getting a medical certificate. However, since the respondent hospital did not issue the medical certificate, the petitioner has given a representation on 03.01.2022. According to the petitioner even the said representation has not been considered till date. In such circumstances this writ petition has been filed.



3. Heard Mr.V.R.Venkatesan, learned Counsel for the writ petitioner and Mrs.S.Jeyapriya, learned Government Advocate who accepted notice on behalf of the respondent.

4. On instructions, learned Government Advocate for the respondent would submit that earlier there was a single member medical board and now the medical board has been enlarged and there are more number of members. Therefore according to learned Government Advocate the petitioner's husband Mr.Y.Ramprasad will have to be examined once again by the newly constituted medical board. The said statement is recorded.

5. Learned Government Advocate would further submit that if the petitioner's husband Mr.Y.Ramprasad is produced once again before the newly constituted medical board, he shall be examined by the medical board and a medical invalidation certificate shall be issued by the said medical board with regard to the medical illness of Mr.Y.Ramprasad. The said statement is also recorded.

6. After recording the submissions made by the respective Counsels, this Court directs the petitioner to produce her husband Mr.Y.Ramprasad before the Medical Board of the respondent hospital within a period of two [2] weeks from the date of receipt of a copy of this order. On production of Mr.Y.Ramprasad before the respondent medical board, the respondent shall issue the said certificate after medically examining him with regard to his medical illness and also after scrutinizing all the documents produced by the petitioner with regard to her husband's medical illness. The respondent shall issue the certificate with regard to the medical illness of Mr.Y.Ramprasad within a period of two [2] weeks from the date of producing Mr.Y.Ramprasad by the petitioner before them.

7. With the aforesaid direction, the writ petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

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
The Dean,
Government Rajaji Hospital,
RMO Office,
Madurai.

+1 CC to M/s.SPL GP (SR-4729[F] dated 08/02/2022)

+1 CC to M/s.V.R.VENKATESAN, Advocate (SR-4680[F] dated
08/02/2022)

ORDER MADE IN
W.P. [MD]No.2432 of 2022
07.02.2022

nsn(CO)
TR(15.02.2022) 3P 4C