



W.P.(MD)No.26799 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.11.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.26799 of 2022

J.Anthony Selvi

.. Petitioner

Vs.

1.The Appropriate Authority for Tamil Nadu,
Directorate of Medical and Rural Health Services,
361, DMS Complex, Anna Salai,
Chennai-600 006.

2.The President,
Tamil Nadu Medical Council,
No.914, Poonamallee High Road,
Arumbakkam, Chennai-600 106.

3.The Chairman,
Meenakshi Hospital,
244/2, Trichy main Road,
Near New Bus Stand,
Thanjavur-613 005.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the second respondent to consider the enquiry in reference No.TNMC/T.No.2280/2022, dated 11.10.2022 and consequently direct the respondents to take appropriate steps to take “Colonic Manometry” test to the petitioner daughter Angelina Princee aged about 6 years by considering the petitioner's representation dated 09.09.2022 within the period as stipulated by this Court.



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For Petitioner : Mr.S.Atham Ali
For R1 : Mr.C.Satheesh
Government Advocate
For R2 : Mr.C.Karthick
Standing Counsel

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the second respondent to consider the enquiry in reference No.TNMC/T.No.2280/2022, dated 11.10.2022 and consequently direct the respondents to take appropriate steps to take “Colonic Manometry” test to the petitioner daughter Angelina Princee aged about 6 years by considering the petitioner's representation, dated 09.09.2022 within the period to be stipulated by this Court.

2.Heard Mr.S.Atham Ali, learned counsel appearing of the petitioner, Mr.C.Satheesh, learned Government Advocate, who takes notice for the first respondent and Mr.C.Karthick, learned Standing Counsel, who takes notice for the second respondent. Considering the nature of order proposed to be passed in this writ petition, notice to the third respondent is dispensed with. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



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3. The grievance of the petitioner is that the enquiry on the representation made by the petitioner seeking to take Colonic Manometry test to the daughter of the petitioner has not been considered.

4. The learned counsel for the petitioner submitted that the petitioner's daughter, namely Angelina Princee, aged about 6 years, is suffering from some medical ailments. For taking treatment, she admitted her child in the Meenakshi Mission Hospital, Madurai. Then, the daughter of the petitioner was referred to Child Trust Hospital, Chennai, where the petitioner was asked to have a reference letter from the former Doctor, who treated her daughter at first to take Colonic Manometry test. Hence, the petitioner approached the Meenakshi Mission Hospital, Madurai seeking reference letter. But the same has not been given. Hence, the petitioner made a representation dated 09.09.2022 to the respondents, based on the same, enquiry was also initiated. Thereafter, there is no progress on the same. Hence, the petitioner has filed the present writ petition.

5. The learned Government Advocate appearing for the first respondent submitted that the enquiry on the representation made by the petitioner is in progress.



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6.In view of the above submission, this Court directs the authorities concerned to complete the enquiry on the representation of the petitioner, dated 09.09.2022 and pass appropriate orders on the same on merits and in accordance with law within a period of six [6] months from the date of receipt of a copy of this order.

7.In the meantime, the child of the petitioner shall be admitted in the Child Welfare Hospital, Chennai and appropriate treatment shall be given to her. Further, it is left open to the competent authority for redressing the grievance of the petitioner regarding payment of medical fee.

8.With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

28.11.2022

Index : Yes/No

Internet : Yes/No

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To

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2.The President,
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V.BHAVANI SUBBAROYAN, J.

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Order made in
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28.11.2022