



W.P.No.9699 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.9699 of 2023

V.Padmavathy

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St.George,
Chennai – 600 009.
- 2.The District Collector,
Cuddalore District,
Cuddalore.
- 3.The Director of Medical and Rural Health Services,
DMA Compound, Anna Salai,
Teynampet,
Chennai – 600 006.
- 4.The Revenue Divisional Officer,
Cuddalore,
Cuddalore District.
- 5.The Joint Director of Health Services,
Cuddalore,
Cuddalore District.



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6.The Medical Superintendent,
Government Headquarters Hospital,
Cuddalore.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pass orders for taking appropriate action against the Medical Officers of Government Headquarters Hospital, Cuddalore who performed caesarian operation on the petitioner on 19.09.2022 in rash and negligent manner resulted in unbearable operational complications to the petitioner, in pursuant to the enquiry proceedings initiated vide proceedings of 2nd respondent in Na.Ka.I2/796/2022 dated 31.10.2022, within the time frame to be fixed by this Court.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.M.Alagu Goutham
Government Advocate

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the respondents to pass orders for taking appropriate action against the Medical Officers of Government Headquarters Hospital, Cuddalore who performed caesarian operation to the petitioner on 19.09.2022 in a negligent manner resulting in unbearable operational



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complications to the petitioner, in pursuant to the enquiry proceedings initiated vide proceedings of 2nd respondent in Na.Ka.I2/796/2022 dated 31.10.2022, within the time frame to be fixed by this Court.

2. Mr.S.Nedunchezhiyan, appears for learned counsel appearing on behalf of the petitioner, Mr.M.Alagu Goutham, learned Government Advocate takes notice on behalf of the respondents. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3. It is the case of the petitioner that, she married to one Venkatesan and she was admitted in the Cuddalore Government Headquarters Hospital for her delivery on 18.09.2022, where, the doctors have performed ceasarean operation on 19.09.2022 to the petitioner and she gave birth to a male child and got discharged from the hospital only in the second week of October 2022. While so, the petitioner developed discomfort continuously and she suffered acute stomach pain. On 14.10.2022, the petitoiner was taken to Government Hospital, Panruti for treatment, they in turn, referred to Government Headquarters Hospital,



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Cuddalore and they have referred to JIPMER Hospital. On 17.10.2022, the petitioner got admitted in JIPMER Hospital, where after taking CT scan, they informed that the intestine valve/bowl valve got stitched along with abdomen valve, which resulted in obstruction of food movement, which would be endanger to life. Therefore, they conducted an operation on 17.10.2022 and the petitioner was discharged from the hospital on 24.10.2022. Due to negligence on the part of the doctors of the Cuddalore Government Headquarters Hospital, the petitioner has suffered for several days.

3.1. On 31.10.2022 and 22.02.2023, the public has conducted Dharna in front of the hospital. Therefore, the second respondent issued orders on 31.10.2022 constituting a Committee comprising of respondents 4, 5 and Dean, Rajah Muthiah Medical College and Hospital, Chidambaram and to submit enquiry report on or before 15.11.2022. Even then, the enquiry was not concluded and no order was passed till date. Hence, the petitioner has filed the above writ petition before this Court for appropriate directions.



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4. Learned counsel appearing for the petitioner submitted that though the second respondent vide proceedings dated 31.10.2022 constituted a Committee comprising of respondents 4, 5 and the Dean of Rajah Muthiah Medical College and Hospital, Chidambaram to submit an enquiry report with regard to the abovementioned issue on or before 15.11.2022, however, the said enquiry proceedings was not concluded. Hence, it would suffice if this Court issues a direction to the second respondent to conclude his enquiry proceedings dated 31.10.2022 within the time frame that may be stipulated by this Court.

5. Learned Government Advocate appearing for respondents submitted that the enquiry was conducted and an enquiry report to that effect was also submitted before the second respondent. Hence this Court may direct the second respondent to conclude the enquiry proceedings dated 31.10.2022 within a time frame that may be fixed by this Court.

6. Heard learned counsel appearing on either side and perused the materials placed before this Court.



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7. In view of the submission made by learned Government Advocate appearing for the respondents, this Court directs the second respondent to conclude his enquiry proceedings vide Na.Ka.I2/796/2022 dated 31.10.2022, after affording an opportunity of personal hearing to the petitioner as well as the aggrieved persons if any, within a period of six (6) weeks from the date of receipt of a copy of this order.

8. With the above observation and direction, this writ petition is disposed of. No costs.

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Index : Yes / No
Speaking order / Non speaking order
Netrual Citation Case : Yes / No
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M.DHANDAPANI, J.

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