



WEB COPY



W.P.No.23129 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.23129 of 2023

Dinesh Kumar

... Petitioner

Vs.

1.The Chairman
Office of the Chairman Organization Committee
Directorate of Medical Examination
Kilpauk
Chennai 600 010

2.The Principal Secretary to Government
Health & Family Welfare Department
Government of Tamil Nadu
Fort St. George
Chennai 600 009

3.K.Jaishankar
H&D Section
Office of the Director of Medical Education
Directorate of Medical Education
Kilpauk
Chennai 600 010

4.M/s.Medway Hospitals
No.2/26, 1st Main Road
United India Colony
Kodambakkam
Chennai 600 024

... Respondents



W.P.No.23129 of 2023

PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records on the file of the first respondent herein in relation to its impugned order dated 19.05.2023 rejecting the application of the petitioner for undergoing transplantation for renal failure, quash the same with consequential direction, directing the first respondent herein to grant approval to the petitioner for his renal transplantation.

For Petitioner : Mr.G.RM.Palaniappan

For Respondent : Mr.G.Ameedius
Government Advocate - R1 & R2

ORDER

When the matter came up before this Court on 07.08.2023, it passed the following order:

The petitioner suffers from renal failure and wants to obtain a kidney from a donor, for which, he had made the necessary Application under the Human Organ Transplantation Act. The Authorization Committee however, has rejected it on the ground 'fabricating the supporting documents (photos)'.



W.P.No.23129 of 2023

2.Mr.G.Ameedias, learned Government Advocate takes notice for the respondents 1 and 2.

3.The learned counsel for the respondents in now required to make a better statement, if possible, to produce the entire records perused by the Authorization Committee to ascertain what are those documents which influenced the Authorization Committee to come to the conclusion that they are fabricated.

4.Inasmuch as the rejection report of the Authorization Committee which has been impugned says that the photographs appears to have been fabricated, this Court is inclined to underscore that a photograph may not be conclusive to come to a conclusion and this observation is only provisional made.

2.Today, the learned Government Advocate informed the Court that challenging the order of the Authorization Committee, the petitioner had preferred an appeal. Having said that, he submitted that the Directorate of Medical Education is also



W.P.No.23129 of 2023

keen to review the earlier order rejecting the petitioner's application for permitting organ transplant and that it would be done after a meeting of the Authorisation Committee scheduled to take place on 11.08.2023. It requires the patient and the donor to participate in the meeting.

3.The entire statement of the 1st respondent is made part of the record. Inasmuch as a solution is now found, it is now for the petitioner and his donor to appear before the Authorisation Committee on 11.08.2023.

4.In view of the same, nothing remains to be considered in this petition and the same is closed. No costs.

08.08.2023

kas

Index : Yes / No
Neutral Citation

To

1.The Chairman
Office of the Chairman Organization Committee
Directorate of Medical Examination
Kilpauk
Chennai 600 010

4/6



W.P.No.23129 of 2023

2.The Principal Secretary to Government
Health & Family Welfare Department
Government of Tamil Nadu
Fort St. George
Chennai 600 009

3.K.Jaishankar
H&D Section
Office of the Director of Medical Education
Directorate of Medical Education
Kilpauk
Chennai 600 010



WEB COPY



W.P.No.23129 of 2023

N.SESHASAYEE, J.

kas

W.P.No.23129 of 2023

08.08.2023