



WEB COPY



W.P.No.30084 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2023

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.30084 of 2023

U.Premprakash

.. Petitioner

VS

1.The Registrar,
Tamil Nadu Medical Council,
New. No.914, Old No.569,
Poonamallee High Road,
Arumbakkam, Chennai - 600 106.

2.Dr.Rajesh Shankar Iyer,
Kovai Medical Center and Hospital Ltd.,
Coimbatore.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the 1st respondent to adjudicate upon the complaint of the petitioner vide TNMC/T.No.257/dt. 09.02.2022 as against 2nd respondent within the time frame to be stipulated by this Court.

For Petitioner : Mr.T.S.Rajamohan

For Respondents : Mr.U.Bharanidharan,
AGP for R1
Mr.Venkatasubban
for M/s.Sarvabhuman Associates
for R2



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ORDER

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The petitioner has sought a mandamus directing the first respondent, being the Registrar of the Tamil Nadu Medical Council to pass orders on his complaint bearing No. 257/22 dated 09.02.2022 as against R2, who is an individual Doctor, employed with the Kovai Medical Center and Hospital, Coimbatore.

2. The averments in the writ affidavit, taken at face value, are serious. The petitioner tested positive for covid on 03.06.2021 and was quarantined on the same day. The petitioner claims to have an underlying seizure disorder even earlier, and R2 had issued two certificates dated 15.07.2021 and 07.08.2021 that the petitioner was medically unfit for travel.

3. Based on the certificate, the petitioner's employer, REPCO Home Finance Limited, had granted medical leave advising him to return back to service with a certificate of medical fitness. At paragraph 5 of the writ affidavit, the petitioner claims that his employer had 'framed charges' against him on 29.11.2021. This aspect of the matter is unclear and the learned counsel is also unable to throw any light in that regard.

4. Be that as it may, R2 is stated to have been issued a certificate of fitness on 07.09.2021 based on which REPCO Bank



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had directed that the petitioner report for duty on 20.09.2021.

Orally, learned counsel for petitioner states that the petitioner reported for duty on the same date.

5. The petitioner had lodged a complaint on 10.12.2021 against the second respondent and a complaint before the National Medical Council on 04.01.2022, stating that the certificate issued by R2 was false and incorrect.

6. The petitioner also claims to have filed a police complaint with the Inspector of Police, Peelamedu Police Station, Coimbatore vide CSR No.46/2022 dated 12.01.2022 challenging the certificate of medical fitness issued by R2.

7. It is the submission of the petitioner that the certificate of medical fitness had been issued by R2 solely on evaluation of ECG and MRI and he had not been examined nor had subjected himself for examination, which is mandatory prior to issuance of medical fitness certificate.

8. The petitioner has sent a complaint to R1 on 09.02.2022, which is admittedly pending. It was incumbent on R1 council to have addressed the complaint promptly, but notices have been issued only now to the petitioner and R2 directing them to appear before R1 on 20.11.2023. Let notice be issued to Repco Home Finance Limited as well to ascertain the proper sequence of



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events. Speaking orders shall be passed by R1 on or before 20.12.2023, in accordance with law and strictly in line with the principles of natural justice.

9. This writ petition stands disposed in terms of this order.

No costs.

10. List under the caption 'for production of orders' on 21.12.2023.

15.11.2023

Index:Yes/No
Neutral Citation:Yes
ssm

To
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DR. ANITA SUMANTH,J.

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