



Suo-motu W.P.No.34783 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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1.The Principal Secretary to Government,
Government of Tamil Nadu,
Health Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Director of Medical Services,
Rural Health Services,
DMS Compound,
Teynampet, Chennai-600 018.

3.The Joint Director of Health Services,
Virudhungan District.

4.The Chief Medical Officer,
Government Hospital,
Sathur,
Virudhunagar District.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to take Special Intensive Care and immediate attention to the affected



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patient being pregnant woman by arranging Special Medical or Medical Committee and file report before this Court.

For the Respondents : Mrs.R.Anitha
Spl. Government Pleader

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

This Court took suo-motu cognizance of the reporting that HIV infected blood is infused to a pregnant woman.

2. A status report is filed by the Project Director/Member Secretary, Tamil Nadu State Aids Control Society in January, 2019 stating that a 23 year old female was admitted at Government Hospital, Sattur, an Ante natal mother, with history of eight month Amenorrhea G3 L1 A1 for the treatment of anemia. On 3.12.2018, a request was sent from Sathur Government Hospital to the Blood Bank Medical Officer, Sivakari Government Hospital requesting for one unit of O+ blood. The blood was received by a staff nurse on duty at Government Hospital, Sathur. After inspection and



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verification of the blood bag for blood group, cross matching report and screening status in the cross matching card and case sheet, blood transfusion was started for the pregnant woman at 2.00 P.M. and was over by 5.00 P.M. The patient was discharged on 5.12.2018. A complaint was registered in Sattur Town Police Station by the affected pregnant woman (FIR No.729/2018 dated 26.12.2018) in connection with the blood transfusion. Subsequently, the donor who donated blood consumed poison and died on 30.12.2018.

3. It is stated that all precautionary regiments were given to the victim and test for viral load had been done to prevent acquiring HIV to the infant. On 17.1.2019, she delivered a healthy female baby. The new born baby weighed about 1.75 kg and Sy. Nevirapine 3.02 mg was started and given for six weeks duration. Reflection to that and continuous medical care, the new born baby was HIV non-reactive.

4. It is further stated that the Government had already



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sanctioned a sum of 10.00 lakh as compensation from the Chief Minister's Public Relief Fund and paid to the victim by the District Collector, Virudhunagar. In addition to Rs.10.00 lakh, the Government had sanctioned a compensation of Rs.15.00 lakh from the Chief Minister's Public Relief Fund to the two minor daughters of the victim and it was deposited in the joint name of the two minor children i.e. Rs.7,50,000/- each on 25.02.2020. The Government had directed TANSACS to pay a sum of Rs.7,500/- per month to the victim to boost up her immunity for a period of six months from January, 2021 onwards. Accordingly, a sum of Rs.45,000/- was sanctioned and paid to the victim.

5. It is further stated that as per the directions of the Madurai Bench of Madras High Court, a house was constructed and handed over to the victim on 11.03.2020. A two-wheeler (Honda Activa 6G) was purchased and handed over to the victim with road tax, insurance and helmet in good condition.



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6. The aforesaid would demonstrate that care has been taken subsequently by the authorities.

7. As far as the criminal case is concerned, the same may be proceeded further in accordance with law.

8. In the light of the above, the suo-motu writ petition stands disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

03.11.2023

Index : Yes/No
Neutral Citation : Yes/No
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To

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