



W.P.(MD) No.1138 of 2020

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 27.03.2023**

**CORAM:**

**THE HONOURABLE MS.JUSTICE P.T.ASHA**

W.P.(MD) No.1138 of 2020

and

W.M.P.(MD) No.901 of 2020

Ramya

.. Petitioner

Vs.

- 1.State of Tamil Nadu,  
Rep., by  
Department of Health and Family Welfare,  
State of Tamil Nadu,  
Secretariat, Fort St. George,  
Chennai.
- 2.The Director of Public Health and  
Preventive Medicine,  
State of Tamil Nadu,  
Chennai.
- 3.The Joint Director,  
Department of Public Health and  
Preventive Medicine,  
Ramanthapuram.
- 4.The District Collector,  
Office of the District Collector,  
Ramanathapuram District.



W.P.(MD) No.1138 of 2020

5.The Dean,  
Madurai Government Rajaji Medical College Hospital,  
Madurai-625 020.

6.The Chief Medical Officer,  
Primary Health Care Centre,  
Uchippuli, Ramanathapuram.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to pay fair reasonable amount of compensation to the petitioner for lethargically and negligently placing a sharp surgical needle within petitioner's stomach region at the time of delivery and for causing her unbearable pain and continuous suffering and to direct the respondents to take appropriate action against the officials, who are responsible for her pain and suffering of the petitioner in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.Veerakathiravan  
Additional Advocate General  
assisted by Mr.D.Ghandiraj  
Special Government Pleader

### **ORDER**

The above writ petition has been filed seeking compensation for the negligence shown by the sixth respondent's paramedical staff during the delivery of the petitioner herein.



W.P.(MD) No.1138 of 2020

WEB COPY

2. It appears that the procedure called Episiotomy had been performed on the petitioner on 19.11.2019 at about 7.30 p.m. The petitioner has delivered a baby girl normally. Thereafter, there was a prolonged bleeding from the stitching and the fact was informed to the Nurse attached to the sixth respondent Primary Health Care Centre.

3. It is the case of the petitioner that the Nurse was evasive and within two to three hours of the delivery, a Doctor has rushed and checked the petitioner and found that there was a needle left in the stomach of the petitioner. The Doctor and Nurses had tried to remove the same but were unsuccessful and therefore, they had rushed the petitioner to the Government Hospital at Ramanathapuram. Since they were unable to remove the needle, they further rushed the petitioner to the fifth respondent-Government Rajaji Hospital, Madurai. At around 03.00 a.m., on 20.11.2019, the presence of the needle was confirmed by the Doctors of the fifth respondent-Hospital and on 21.11.2020 at about 10.00 a.m., they had operated the petitioner and taken out the needle.



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4. The petitioner would state that she was discharged on 28.11.2019 from the fifth respondent-Hospital and she had returned to her native village. She would state that for five days, she had suffered intense pain and she had once again been admitted in the Government District Head Quarters Hospital, Ramanathapuram on 04.12.2019 where she was under treatment for five days. Since it is a case of negligence, the petitioner has moved this Court seeking compensation.

5. The District Collector, Ramanathapuram/fourth respondent has filed a counter in which he has admitted that there has been a lapse on the part of the paramedical staff during the Episiotomy procedure. In paragraph 7 of the counter affidavit, the District Collector, Ramanathapuram has stated as follows:

*“7. It is submitted that as per the DDHS, after the bleeding had stopped and petitioner stabilized, an X-Ray was taken on the following day (20.11.2019) morning at Uchipuli PHC, only on the sole suspicion of Medical team to trace the location of the dislodged suture needle during the Episiotomy procedure, and it*



W.P.(MD) No.1138 of 2020

*was confirmed from the X-ray, that the suture needle was lying stable over the sutured episiotomy wound. The petitioner never had any complaint or bleeding specific to the dislodged needle.”*

6. It is stated by the District Collector that the petitioner was rushed to the Government Hospital at Ramanathapuram and thereafter, to the Government Rajaji Hospital, Madurai where she was attended by a Team of Medical Officers, who accompanied the petitioner from Ramanathapuram to Madurai and stayed on till the surgery to remove the needle that had taken place. The District Collector has stated that the said incident is an unexpected occurrence. They have initially paid a sum of Rs.25,000/-.

7. The learned counsel for the petitioner submitted that on 04.03.2020, a direction was issued to the fourth respondent to examine as to whether an interim compensation of Rs.3,00,000/- should not be paid to the petitioner on or before 20.03.2023.



W.P.(MD) No.1138 of 2020

WEB COPY

8. There is no basis on which the above said figure has been arrived at. The petitioner has suffered on account of the presence of the needle for a day and a half and the minute the presence of the needle has been found, it appears that the Medical Team of the Primary Health Centre and the Government Hospital, Ramanathapuram had rushed the petitioner to take steps to remove the needle. It is no doubt a negligence on the part of the paramedical staff to have left the needle in the body of the petitioner.

9. This Court feels that a sum of Rs.1,25,000/- (Rupees One Lakh and Twenty Five Thousand only) is an adequate compensation for the same and it is informed that already a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) has been paid to the petitioner. Therefore, the remaining sum of Rs.1,00,000/- (Rupees One Lakh only) with interest at the rate of 6% per annum from 19.11.2019 till the date of payment would be paid by the fourth respondent to the petitioner within a period of four weeks from the date of receipt of a copy of this order.



W.P.(MD) No.1138 of 2020

This does not preclude the petitioner from moving the forum to establish her right to claim higher compensation.

10. With the above observations and direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

**27.03.2023**

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

- 1.The Secretary to Government,  
State of Tamil Nadu,  
Department of Health and Family Welfare,  
Secretariat, Fort St. George, Chennai.
- 2.The Director of Public Health and  
Preventive Medicine,  
State of Tamil Nadu, Chennai.
- 3.The Joint Director,  
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WEB COPY



W.P.(MD) No.1138 of 2020

**P.T.ASHA, J.**

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