



W.P.(MD).No.16437 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.16437 of 2023

K.Haritha

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Health and Family Welfare Department,
Fort St.George,
Chennai-600 009.
- 2.The Director of Medical and Rural Health Services,
DMS Complex,
361, Anna Salai,
Chennai-600 002.
- 3.The Additional Director of Medical and
Rural Health Services (Administration),
DMS Complex,
361, Anna Salai,
Chennai-600 002.
- 4.The Tamil Nadu Medical Council,
914, Ponnammallee High Road,
Amaravathi Nagar,
Arumbakkam, Chennai-600 106.
- 5.The Deputy Director of Health Services,
District Public Health Activities,
Sivagangai District, Sivagangai-630 561.



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6.Sundaram Chettiar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 to 5, to take appropriate departmental action as against the 6th respondent for having violated the provisions under Indian Medical Council (Professional conduct, Etiquette and Ethics) Regulations, 2002 and other service and Revenue Laws of the state by considering the representation / complaint of the petitioner, dated 23.03.2023 within a period as may be fixed by this Court.

For Petitioner : Mr.G.Aravinthan

For R1-R3 : Mr.P.Thambi Durai
Government Advocate

For R4 : Mr.C.Karthick

ORDER

The present writ petition has been filed seeking direction to the respondents 1 to 5, to take appropriate departmental action as against the 6th respondent for having violated the provisions under Indian Medical Council (Professional conduct, Etiquette and Ethics) Regulations, 2002 and other service and Revenue Laws of the state by considering the representation / complaint of the petitioner, dated 23.03.2023 within a period as may be fixed by this Court.



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2. The petitioner got married with one Raja on 25.10.2015. The petitioner is a native of Telangana State and she belongs to Hindu-Vysya community. The petitioner's husband belongs to Hindu-Sadhu Chetti which comes under Backward Class(BC) community. The revenue authorities provided community certificate to the members of the petitioner's husband family as they are belonged to Hindu-Sadhu Chetti community. The 6th respondent is the brother of the petitioner's husband. He had completed his master graduation in Medicine and he had obtained an order of appointment in the Department of Health and Family Welfare on MBC quota on the basis of the Most Backward Class community certificate. The community certificate stands in his name as MBC is totally a manipulated one and he had committed a grave and apparent error by violating the principles of Indian Medical Council(Professional Conduct, Etiquette and Ethics) Regulations, 2002. The community certificate which has been issued to the petitioner's husband family and to the 6th respondent were issued by the very same officer, namely Zonal Deputy Tahsildar, Singampunari, Thirupathur Taluk, Sivagangai District.

3. The petitioner has stated in her affidavit that the said 6th respondent herein is not only known for his fraudulent activities which were committed



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while getting Government employment by producing bogus certificate, but also he is much familiar to the local police people for his unlawful criminal activities which ended with registration of six criminal cases against him. The said criminal cases are pending investigation against the 6th respondent. The petitioner approached the respondents 1 to 5 on 23.03.2023 to take action against the 6th respondent for having violated the provision of Indian Medical Council (Professional conduct, Etiquette and Ethics) Regulations, 2002. Since the same was not considered, this writ petition came to be filed.

4. The learned counsel for the 4th respondent submitted that the complaint made by the petitioner has been forwarded to the competent authority for taking appropriate action and the same is in process.

5. Heard Mr.G.Aravinthan, learned counsel for the petitioner, Mr.P.Thambidurai, learned Government Advocate for the respondents 1 to 3 and Mr.C.Karthick, learned counsel for the 4th respondent.

6. Recording the submission of the learned counsel for the 4th respondent, this Court is inclined to allow this writ petition directing the respondents 1 to 3



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and 5 to take appropriate action against the 6th respondent considering the representation made by the petitioner, dated 23.03.2023 in accordance with law. I make it clear that without going into the merits of the case, this Court is allowing this writ petition and the respondents 1 to 3 and 5 are directed to dispose of the matter within a period of two (2) weeks from the date of receipt of a copy of this order.

7. In view of the above, this Writ Petition stands allowed. No costs.

07.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

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To

1.The Principal Secretary,
The State of Tamil Nadu,
Health and Family Welfare Department,
Fort St.George,
Chennai-600 009.

2.The Director of Medical and Rural Health Services,
DMS Complex,
361, Anna Salai,
Chennai-600 002.



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- 3.The Additional Director of Medical and Rural Health Services (Administration),
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- 4.The Tamil Nadu Medical Council,
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L.VICTORIA GOWRI, J.

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