



Cont P(MD)No.1386 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2023

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR JUSTICE B.PUGALENDHI**

Cont P(MD)No.1386 of 2021

R.Kannan

... Petitioner

-VS-

- 1.Mr.J.Radhakrishnan, I.A.S.,
Principal Secretary,
Health and Family Welfare Department,
Government of Tamilnadu,
Secretariat,
Chennai-600 009.
- 2.Dr.S.Gurunathan, MS (GS),
Director,
Directorate of Medical and Rural Health Services,
DMS Complex, Teynampet,
Chennai-600 006.
- 3.Mr.Dinesh Ponraj Oliver, I.A.S.,
District Collector,
Thanjavur District,
Thanjavur.



Cont P(MD)No.1386 of 2021

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4. Thilagam,
Joint Director,
District Head Quarters Hospital,
Kumbakonam,
Thanjavur District.

... Respondents

PRAYER: Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971, to punish the Contemnors/Respondents for their disobedience and failure to comply the order, dated 09.12.2020 passed in W.P(MD)No.17988 of 2020.

For Petitioner : Mr.B.Anandan
For Respondents : Mr.D.Sasikumar,
Additional Government Pleader

ORDER

DR.G.JAYACHANDRAN,J.
AND
B.PUGALENDHI,J.

A Public Interest Litigation has been filed by the petitioner herein seeking issuance of Writ of Mandamus directing the respondents to appoint the Doctors in the field of Cardiology, Neurology and Orthopedic Departments and also install the CT & MRI Scan Centre at the District Head Quarters Hospital, Thanjavur District at Kumbakonam and he gave a representation to that effect on 16.11.2020. Since the said representation was not considered, the petitioner has filed the writ petition to consider his representation.



Cont P(MD)No.1386 of 2021

WEB COPY

2. This Court, on taking note of the genuine request of the petitioner, has directed the respondents to consider the representation and pass orders and appoint the experts as early as possible. This order came to be passed on 09.12.2020. Since the direction was not complied, the contempt petition in Cont.P(MD)No.1386 of 2021 has been filed.

3. After the contempt petition, the respondents have considered his representation, examined the feasibility of appointing the doctors in the Super Speciality like, Cardiology, Neurology, Orthopedic and also installation of CT Scan and MRI Scan at Kumbakonam District Headquarters Hospital. Taking into need and availability of Specialists, appointed an Orthopedics at Kumbakonam Headquarters.

4. As far as Cardiology and Neurology specialities being the Super Speciality service which are made available only in the Super Speciality Hospitals, they have not appointed Cardiologist and Neurologist. This fact has been communicated to the petitioner vide letter dated 01.12.2021. It is also stated



Cont P(MD)No.1386 of 2021

WEB COPY

in the letter that MRI Scan facility provided only on priority basis to the Medical College Hospital and provided to the Secondary Care Hospitals based on their best performance.

5. Taking note of the strategic location of the Kumbakonam Hospital which is between Thiruvarur Medical College Hospital and Thanjavur Medical College Hospital, the Government has taken a policy decision that it is not necessary to appoint Cardiologist and Neurologist at Kumbakonam since the said service is provided at Thiruvarur Medical College Hospital and Thanjavur Medical College Hospital which is 37 Kms and 45 Kms respectively.

6. Though the reasoning given in the said letter may superficially acceptable, health care is one of the fundamental duty of the State and every citizen has a right to expect adequate and proper health care. Having specialist doctors especially at headquarters hospital at Kumbakonam, there cannot be any discrimination, as original care and super speciality care. The Government should ensure appointing the Cardiologist and Neurologist not only in Kumbakonam but all headquarters hospital, so that best health care is available to



Cont P(MD)No.1386 of 2021

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the last man in the village. More particularly, the Cardiology care is very essential for a person who need emergent care and even travelling 37 or 45 kms may be fatal. Taking into consideration these facts by the State is expected to act accordingly.

7. With this observation, the contempt petition is closed with the expectation that the Government will do the needful.

Index : Yes / No
Internet : Yes / No
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[G.J.,J.] [B.P.,J.]
16.02.2023



Cont P(MD)No.1386 of 2021

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Cont P(MD)No.1386 of 2021

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Cont P(D)No.1386 of 2021

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