



W.P(MD)No.23028 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2023

CORAM :

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P(MD)No.23028 of 2015
and
M.P(MD)Nos.1 and 2 of 2015**

M.Rajendran

... Petitioner

vs.

1. The Chief Secretary,
Government of Tamil Nadu,
Secretariat, Chennai-9.

2. The Secretary,
Government of Tamil Nadu,
Health & Family Welfare Department,
Secretariat, Chennai-9.

3. The President,
Indian Medical Council of India,
New Delhi-110 077.

4. The President,
Tamil Nadu Medical Council of India,
Chennai-600 026.

5. The Dean,
Rajiv Gandhi Government General Hospital,
Chennai.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents to pursue and scrutinize Clinical Trials conducted in the Hospital under the control of the 5th respondent during the years 2008 to 2013



W.P(MD)No.23028 of 2015

and further direct all the respondents to provide for all those Clinical Trial Participants a comprehensive Health Insurance, Pre-Trial and Post Trial Treatment Expenses, Financial Compensation in Trial related injury or death (including their nominees), by strictly complying the guidelines of Hon'ble Supreme Court of India and also based on the representations of the petitioner dated 01.04.2014 and 02.09.2014, within the stipulated time fixed by this Court.

For Petitioner	: No appearance
For R1, R2 & R5	: Mr.P.Thilakkumar, Government Pleader
For R3	: No appearance
For R4	: Mr.C.Karthick

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

The party-in-person is absent. We have heard Mr.P.Thilakkumar, learned Government Pleader appearing for the respondent Nos.1, 2 and 5 and Mr.C.Karthick, learned counsel appearing for the respondent No.4.

2. In this writ petition, directions are sought against the respondents to pursue and scrutinize Clinical Trials conducted in the Hospital under the control of the respondent No.5 during the years 2008 to 2013 and further direct all the respondents to provide for all those Clinical Trial Participants a comprehensive Health Insurance, Pre-Trial and Post Trial Treatment Expenses, Financial Compensation



in Trial related injury or death (including their nominees), by strictly complying the guidelines of Hon'ble Supreme Court.

3. The counter affidavit is filed by the respondent No.5.
Paragraphs 3, 6 and 7 of the said counter affidavit read thus:-

"3. It is submitted that no hospitals are run by the 4th respondent in his official capacity. However, Tamil Nadu Government provides free medicine to all the patients, by procuring the same through Tamil Nadu Medical Services Corporation Limited. All medicines are procured from good manufacturing practicing approved firms and subject to strict quality control norms.

4. ...

5. ...

6. It is submitted that the averments made in paragraph 6 of the affidavit are general statements relating to the Government of India as a whole. However, it is submitted that in respect of the fifth respondent Hospital, when the proposals are received from the sponsoring agency, the same is placed before the Institutional Ethical Committee of the Hospital. A meeting with the Members of Ethical Committee will be convened to discuss about the proposal and examine the necessity of such proposal. After getting approval, permission will be given in the 5th respondent hospital. It is submitted that the figures / details furnished therein relates to India in general and not to Tamil Nadu.

7. It is submitted that wherever the Drugs Trails are



W.P(MD)No.23028 of 2015

conducted at fifth respondent Hospital, strict protocols and guidelines of the Drug Controller General of India and Indian Council of Medical Research are followed. Permission from Institutional Ethics Committee, Government of Tamil Nadu and Drug Controller General of India are obtained before conducting these drug trials."

4. In view of the aforesaid, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[S.V.G., C.J.]

[L.V.G., J.]

30.11.2023

Index : Yes / No
Neutral Citation : Yes / No
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W.P(MD)No.23028 of 2015

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W.P(MD)No.23028 of 2015

THE HONOURABLE CHIEF JUSTICE
and
L.VICTORIA GOWRI, J.

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W.P(MD)No.23028 of 2015

30.11.2023