



W.P(MD)No.9148 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 10.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9148 of 2015

Saravanan

... Petitioner

Vs.

- 1.The Principal Secretary,
Health Department,
State of Tamilnadu,
Secretariat, Fort St.George,
Chennai.
- 2.The Director,
Public Health and Preventive Medicine,
State of Tamilnadu,
Thenampet, Chennai.
- 3.The District Collector,
Sivagangai District.
- 4.The Health Officer,
Primary Health Center,
Puthuvayal,
Sivagangai District.
- 5.The Deputy Medical Officer,
Primary Health Centre,

1/10



W.P(MD)No.9148 of 2015

Periyamathur,
Sivagangai District.

... 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 to take appropriate action against the officials worked in Puduvayal Primary Health Center, Who are responsible for the death of the petitioner's wife namely Ratha aged 30 years and to direct the respondents to pay adequate amount of compensation for the death of the petitioner's wife namely Ratha aged 30 days.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.D.Gandhiraj,
Spl. Government Pleader.

ORDER

Heard the learned counsel for the writ petitioner and the learned Special Government Pleader for the respondents. Dr.C.Anandaraj, Block Medical Officer, Government Primary Health Centre, Puduvayal, Sivagangai District appeared in person and assisted the Court.



W.P(MD)No.9148 of 2015

2.The writ petitioner got married to one Ratha. A girl child was born and she was named as Ilakkiya. The petitioner's wife became pregnant for the second time and she was admitted in Government Primary Health Centre, Puduvayal on 08.09.2014 as she developed labour pain. She delivered a child at around 12.40 pm on the next day. The petitioner alleges that only the paramedical staff attended on his wife and that doctors were not available. Since the condition worsened on account of acute loss of blood, she was shifted to Government Taluk Hospital, Karaikudi at around 03.00 pm. Even through treatment was given, the petitioner's wife died at around 05.30 pm on the same day ie., 09.09.2014. The specific case of the petitioner is that his wife died due to medical negligence on the part of the doctors and staff at Primary Health Centre, Puduvayal. He demanded compensation. Since his representation dated 25.12.2014 was not considered, the present writ petition came to be filed.

3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. According to him, if a proper scan had been taken, it would have



W.P(MD)No.9148 of 2015

revealed the position of the placenta and cesarean operation would have been performed. According to him, the doctors were negligent. He also argued that since no doctor attended on his wife, the occurrence had taken place. He called upon this Court to direct the respondents to pay compensation as prayed for.

4.The respondents have filed counter affidavit and the learned Special Government Pleader took me through its contents. According to the respondents, appropriate care was given and the unfortunate death took place for reasons that were beyond their control. The learned Special Government Pleader pressed for dismissal of the writ petition.

5.I carefully considered the rival contentions and went through the materials on record. It must be noted at the outset that the petitioner's wife delivered her first child only at the Primary Helath Centre, Puduvayal. When she was admitted for delivering her second child on 08.09.2014, scan was taken. Dr.C.Anandaraj made available the original scan register maintained during the relevant period. The entry pertaining to the petitioner's wife reads as follows:-



W.P(MD)No.9148 of 2015

WEB COPY

ANTENATAL ULTRASOUND REPORT

P# NAME : RATHA SANYAS FEMALE JEAN TAKENON: 17.7.14

L.M.P - 1-12-2013

E.D - 8-9-2014

SINGLE LIVE INTRAUTERINE FETUS

PRESENTATION : CEPHALIC

PLACENTA : ANTERIOR

LIQUOR : ADEQUATE

FETAL HEART RATE : 147 / MIN

BI PARIENTAL DIAMETER : 78.1 MM (31 WEEKS)

HEAD CIRCUMFERENCE : 295 MM (31-32 WEEKS)

ABDOMINAL CIRCUMFERENCE : 289 MM (32-33 WEEKS)

FEMUR LENGTH : 61.4 MM (31-32 WEEKS)

ESTIMATED FETAL WEIGHT : 1.97 KG

EXPECTED DELIVERY DATE : 14-9-2014 $\pm$ 1 WEEK

IMPRESSION : SINGLE LIVE INTRAUTERINE GESTATION / FETUS

CORRESPONDING TO 31-32 WEEKS

C. Anand
10.8.2013
(DR. C. ANANDRAT)



W.P(MD)No.9148 of 2015

WEB COPY

6.Dr.C.Anandaraj submitted that the moment a pregnant lady is admitted for delivery in a Primary Health Centre, scan will be taken and the doctor concerned will make an assessment if the patient would come under normal category or high risk category. If the patient comes under the latter category, she will be referred to Government Hospital or Medical College Hospital. In the very nature of things, the infrastructural facility in a Primary Health Centre cannot be compared with what is available in Government Hospital or Medical College Hospital. The said submission sounds quite probable. It is however stated that the doctor perusing scan would only make the entry and print out is not taken. When a scan is taken, the patient is entitled to a copy of the scan print out. In this case, there is absolutely no material on record to fault the assessment of the doctor that the petitioner's case did not fall under the high risk category.

7.The petitioner's wife delivered the child in normal mode and it is not in dispute that the child is in good condition. It is the mother who developed complications. It is stated that she began to suffer what is



W.P(MD)No.9148 of 2015

known in medical terminology as postpartum hemorrhage. She was rushed to Karikudi Government Hospital in HoW (Hospital on Wheels). Dr.Prabha accompanied the patient. Notwithstanding the efforts taken in Government Hospital, Karaikudi, Ratha passed away on the same day in the evening. Enquiry was conducted. A copy of the enquiry report has been made available. The conclusion set out in the report is that the death took place because the uterus of the mother did not contract. Dr.C.Anandaraj submitted that if delivery is effected through aggressive means, some times injury can be caused to uterus and that can cause bleeding. But in the case on hand, such was not the case. The postmortem report also indicates that there was no cut injury on the body of the deceased.

8.My attention has also drawn to the Guidance Note on Prevention and Management of Postmortem Hemorrhage issued by the Maternal Health Division, Ministry of Health and Family Welfare, Government of India. It states that PPH (postpartum hemorrhage) affects approximately 2% of all women who give birth and that it has turned out to be the most common cause of maternal death during child birth in India. It states that



W.P(MD)No.9148 of 2015

a woman with PPH can die within two hours after the onset of bleeding, if she does not receive treatment. In this case, the patient was referred to Government Hospital, Karaikudi immediately. The Government Hospital, Karaikudi is situated at a distance of 12 Kms only.

9.After careful perusal of the entire materials on record, I am not in a position to conclude that the death took place due to any negligence on the part of the doctors. Only if I can fault the respondents for any reason, I can direct payment of compensation and not otherwise.

10.In view of the aforesaid reasons, this writ petition is dismissed.

No costs.

10.08.2023

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



W.P(MD)No.9148 of 2015

To:-
WEB COPY

- 1.The Principal Secretary,
Health Department,
State of Tamilnadu,
Secretariat, Fort St.George,
Chennai.
- 2.The Director,
Public Health and Preventive Medicine,
State of Tamilnadu,
Thenampet, Chennai.
- 3.The District Collector,
Sivagangai District.
- 4.The Health Officer,
Primary Health Center,
Puthuvayal,
Sivagangai District.
- 5.The Deputy Medical Officer,
Primary Health Centre,
Periyamathur,
Sivagangai District.



WEB COPY



W.P(MD)No.9148 of 2015

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.9148 of 2015

10.08.2023