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W.P.No.5989 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.5989 of 2022

D.Suganthi

...Petitioner

Vs.

- 1.The Secretary to Government,
Health & Family Welfare Department,
Fort St.George,
Chennai 600 009
- 2.The Director of Medical Education
and Family Welfare Department,
No.162, EVR Periyar Salai,
Kilpauk, Chennai 600 010
- 3.The Registered Medical Officer,
Office of the Block Medical Officer,
Govt. Upgraded Primary Health Centre,
Thatchur, Arani Taluk,
Tiruvannamalai District 632 326
- 4.The Deputy Director,
Medical Rural Health Services and
Family Welfare Department,
District Family Welfare Bureau,
No.34, Lakshmipuram,
Gandhi Nagar,
Tiruvannamalai 606 601

... Respondents



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PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the first and second respondents to grant compensation for the medical negligence in performing the Family Planning operation done by the third respondent herein dated 05.12.2012 at Government Upgraded Primacy Health Centre, Thatchur.

For Petitioner : Mr.N.Kumar Rajan

For Respondents : Mr.E.Vijay Anand,
Additional Government Pleader

ORDER

This writ petition has been filed for direction to respondents 1 and 2 to grant compensation for the medical negligence in performing the Family Planning operation done by the third respondent dated 05.12.2012 at Government Upgraded Primacy Health Centre, Thatchur.

2. The case of the petitioner is that the petitioner, even after undergoing family planning operation, gave birth to the third child. Therefore, she is entitled for compensation for the negligence of the doctor who performed operation under Government Schemes.



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3. However, the request made by the petitioner was already rejected by an order dated 11.01.2022. Without challenging the same, the petitioner has again sought for direction to the respondents to consider the claim made by the petitioner. However, on perusal of the order dated 11.01.2022, revealed that the petitioner failed to make representation within a period of 90 days from the date she conceived.

4. The learned counsel appearing for the petitioner submitted that due to corona pandemic circumstances, the petitioner could not able to make application in time.

5. Considering the above, the petitioner is at liberty to submit fresh application and on receipt of the same, the fourth respondent is directed to consider the same and pass orders on merits and in accordance with law within a period of eight weeks from the date of the application of the petitioner.



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6. With the above direction, this writ petition is disposed of.

There shall be no order as to costs.

10.06.2024

Neutral citation: Yes/No

Index: Yes/No

Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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