



W.P.No.19760 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.19760 of 2021

K.Moorthi

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep.by its Secretary to Government,
Revenue and Disaster Management Department,
Chennai-600 009.
- 2.The State of Tamil Nadu,
Rep.by its Secretary to Government,
Health and Family Welfare Department,
Fort St.George,
Chennai-600 009.
- 3.The State of Tamil Nadu,
Rep.by its Secretary to Government,
Social Welfare and Women Empowerment Department,
Fort St.George,
Chennai-600 009.
- 4.The District Collector,
Salem District,
Salem-636 001.



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5. Bharath Biotech International Limited,
Rep.by its Chairman and Managing Director,
Turkapally, Shamipet,
Hyderabad,
Telangana-500 078.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to pay a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) as compensation for the death of the petitioner's late wife Subalakshmi, aged 20 years and also provide a government job for the husband of the deceased who died due to forcible administration of COVAXIN, based on the petitioner's representation dated 29.06.2021 within a time frame fixed by this Court.

For Petitioner : Mr.S.Sathia Chandran

For Respondents : Mr.E.Sundaram
Government Advocate
for R1, R3 and R4
Ms.N.Sneha, for R2
Mr.P.B.Suresh
Senior Counsel
for Mr.Karthik Sundaram for R5



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ORDER

This Writ Petition has been filed seeking for a direction to the respondents to pay a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) as compensation for the death of the petitioner's wife, namely, Subalakshmi and provide a Government job for the husband of the deceased who died due to forcible administration of COVAXIN, based on the petitioner's representation dated 29.06.2021, within a time frame fixed by this Court.

2. The learned counsel appearing for the petitioner submits that the petitioner got married with one Subalakshmi and they were blessed with twin babies. On 19.06.2021, his wife was vaccinated forcefully in his home for COVID-19 by one Chitra, Nurse of P.H.C.Kattukottai, Attur Taluk and within half-an-hour, his wife got adverse effects such as vomiting, body pain, headache, giddiness due to forcibly administered vaccine and on 23.06.2021, she died due to severe side effects caused by COVAXIN. He would further submit that as per the Fact Sheet for Vaccine Recipients and



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Caregivers issued by the fifth respondent, the health workers should not administer COVAXIN, if the persons have any history of allergies, fever, a bleeding disorder or are on a blood thinner, are immune-compromised or are on a medicine that affects immune system, are pregnant, are breastfeeding, have received another COVID-19 vaccine, have any other serious health related issues, as determined by the Vaccinator/Officer supervising vaccination. However, in the present case, the Health Workers, without following the guidelines issued by the Central Government, has given COVAXIN to the wife of the petitioner which leads to her death. Hence, the respondents are liable to pay compensation to the petitioner.

3. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1, 3 and 4, the learned counsel appearing for the second respondent and the learned Senior counsel appearing for the fifth respondent.



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4. The petitioner claims that his wife died due to COVAXIN forcibly administered to her by one Nurse of P.H.C Kattukottai, Attur Taluk which caused severe effects such as vomiting, body pain, headache, giddiness. However, no medical records or conclusive proof was produced before this Court to demonstrate that she died due to COVAXIN administered to her. In the absence of any material, the compensation could not be awarded and the prayer sought for in the writ petition cannot be granted by this Court.

5. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs.

08.08.2024

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb



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M.DHANDAPANI, J.

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