



W.P.No.20443 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2024

CORAM

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

W.P.No.20443 of 2021

V.Baskar

... Petitioner

-Vs-

1.The State Rep.by its
Secretary to the Government,
Health Departmen,
Secretariat, Chennai 600 009.

2.The Dean,
Tamil Nadu Government Multi Super Specialty Hospital,
Omanthurar Estate,
Chennai-600 002

3.Dr.Boopathy
Tamil Nadu Government Multi Super Specialty Hospital,
Omanthurar Estate,
Chennai-600 002

4.Dr.Karuppusamy,
Tamil Nadu Government Multi Super Specialty Hospital,
Omanthurar Estate,
Chennai-600 002

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India
for the issuance of Writ of Mandamus, directing the 1st respondent to take



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action against the erring medical officers of 2nd respondent's hospital and direct the 1st respondent to provide compensation of Rs.30,00,000/- to the petitioner's son in the light of W.P.(MD).No.1332 of 2010 by an order dated 10.12.2010.

For Petitioner : Mr.P.Saravanan

For R1 & R2 : Mr.E.Sundaran
Government Advocate

ORDER

This Writ Petition has been filed for a direction directing the first respondent to take action as against the second respondent/Hospital and also sought for compensation to the tune of Rs.30 lakh.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 & 2 and perused the materials available on record.

3. The petitioner's son was involved in sports and he is also a member of National Cadet Corps (hereinafter referred as 'NCC'). While he was in jumping training in NCC camp, he fell down and his anterior cruciate ligament was completely teared. It was found in the MRI scan



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taken by the second respondent Hospital. As per the doctor's advise, the petitioner's son was admitted in the second respondent Hospital and surgery was conducted on 19.07.2019. Thereafter, he was discharged from the hospital. The discharge summary shows that the surgery was done for right knee to clear medial meniscal bucket handle tear identified, medical meniscal repair done. Even after surgery, his son's health did not improve and his pain got increased day by day. Therefore, once again the petitioner's son was admitted in the hospital for surgery on 13.01.2020. Even after surgery, his son's whole knee did not work and as such, the petitioner submitted a representation to take appropriate action as against the person, who conducted the surgery and also sought for compensation. Hence, this writ petition.

4. A perusal of the counter filed by the first respondent reveals that the petitioner got injury two years back. He had undergone MRI scan for right knee on 14.09.2018. The injury was complete intrasubstance tear of anterior cruciate ligament, buckling of posterior cruciate ligament, longitudinal tear of posterior horn of medial meniscus and bone marrow contusion noted in bilateral femoral condyle and lateral



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tibial condyle. The petitioner's son was admitted in the second respondent Hospital on 13.07.2019. Thereafter, he was advised to undergo for surgery.

5. That apart, the petitioner was clearly explained about the surgical procedures and its complications such as re-tear, implant breakage, infection and joint stiffness in 1-5% chance. That apart, it was not an emergency surgery and they were given enough time to come to a conclusion. Only thereafter, the petitioner's son was admitted into the hospital for surgery. After surgery, he was discharged from the hospital. Once again the petitioner's son was admitted in the hospital on 13.01.2020 with the complaints of stiffness of the right knee. In fact, at that time, the infection had completely resolved and the knee was quiescent. Thereafter, only on the complaint of stiff knee, he was admitted in the hospital on 14.01.2020 and after obtaining anesthetic fitness, he had undergone surgery and discharged from hospital on 11.02.2020. He was advised to maintain the achieved range of motion by continuing aggressive physiotherapy. That apart, now the petitioner failed to produce any documents to show that what is the impact of the



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said operation and what is the loss to the petitioner's son for which he is seeking compensation. Therefore, the claim itself is very vague and there are only bald allegations. Therefore, the writ petition is devoid of merits and is liable to be dismissed.

6. Accordingly, this Writ Petition stands dismissed. No costs.

24.04.2024

Internet : Yes
Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
Lpp

To

1.The Secretary to the Government,
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Secretariat, Chennai 600 009.

2.The Dean,
Tamil Nadu Government Multi Super Specialty Hospital,
Omanthurar Estate,
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