



WEB COPY



W.P.No.32728 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2024

CORAM

THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.32728 of 2024

Mrs. E.Geetha

...Petitioner

Vs.

1. The Secretary to Government,
Health and Family Welfare Department,
Fort.St.George, Chennai - 600 009.
2. The Jint Director of Health Services,
JN Road, Harriram Nagar,
Poonga Nagar, Tiruvallur - 602 001.
3. The Joint Director of Medical Services,
JN Road, Harriram Nagar,
Poonga Nagar, Tiruvallur - 602 001.
4. The District Collector,
O/o. The District Collector,
Chinna Ekkadu, Jaya Nagar,
Tiruvallur - 602 001.
5. The Chief Doctor,
Government Hospital,
Taluk office Road, Ponneri,
Thiruvallur District - 601 201.
6. Dr.Rajeswari,
DGO, Medical Officer,
Rajiv Gandhi Hospital,
Park Town, Chennai - 600 003.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner representation dated on 21.09.2024 and directing the first respondent to grant compensation of Rs.5,00,000/- to the petitioner.

For Petitioner : Mr.r.Arunkumar

For R1 to R3 & R5 : M/s. M.Sneha
Standing Counsel

For R4 : Mr.G.Ameedious
Government Advocate

ORDER

The petitioner seeks a direction to the respondent to consider her representation dated 21.09.2024 seeking a compensation of Rs.5,00,000/- for the injuries suffered by her due to failure of sterilization tubectomy operation performed by the Government Hospital Ponneri.

2. It is the case of the petitioner that she had undergone sterilization tubectomy operation on 02.09.2013 in the Government Hospital, Ponneri. Thereafter, the petitioner became pregnant and delivered a male baby on 21.08.2015. It is further submitted by the petitioner that subsequent pregnancy was only due to the medical negligence on the part of the doctor who performed the surgery. Hence, she submitted a representation before the



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official respondents seeking compensation of Rs.5,00,000/- for the physical and mental agony suffered by her.

3. As far as sterilization surgery is concerned, whether the failure was due to the medical negligence or not is a question of fact, which requires evidence. Therefore, this Court is not inclined to go into the disputed question of fact in writ jurisdiction.

4. M/s. M.Sneha, learned standing counsel takes notice of the respondents 1 to 3 & 5 and Mr.G.Ameedious, learned Government Advocate takes notice for the fourth respondent.

5. The learned standing counsel appearing for the respondents 1 to 3 & 5 would submit that as per the Government order in G.O.Ms.No.119, Health & Family Welfare Department, dated 30.05.2013, in case of failure of the sterilization operation, the petitioner is entitled to a lumpsum Rs.30,000/- as per the scheme. Therefore, if necessary, representation may be submitted by the petitioner before the competent authority namely The Director of Family Welfare, claiming amount payable under the scheme.



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7. With the above direction, this Writ Petition is disposed of. No costs. The order passed in this writ petition will not prevent the petitioner from working out her remedy under common law.

06.11.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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To

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S. SOUNTHAR, J.

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