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W.P.No.39223 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.39223 of 2024

Mrs.M.Kalpana

... Petitioner

vs.

1.The Chairman

Office Of The Chairman Organization Committee,
Directorate Of Medical Education, Kilpauk, Chennai-
600 010

2.The Principal Secretary To Government

Health And Family Welfare Department,
Government Of Tamil Nadu,
Fort St. George, Chennai-600 009.

3.M/s.Muthu Hosptial

No.336 Paper Mills Road,
Opp. Murasoli Maran Park, Bunder Garden, Perambur, Chennai-600 011.

4.M/s.Bharathi Raja Speciality Hospital And Research Centre

No.20, G.N.Chetty Road,
T.Nagar, Chennai-600 017

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent herein to consider the transfer application dated 25.10.2024 submitted by the petitioner for the Renal Transplantation from the 3rd respondent to the 4th respondent hospital within a short time.



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For Petitioner

For Respondents 1 & 2

: Mr.G.R.M.Palaniappan

: Mr.E.Sundaram

Government Advocate

ORDER

By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage itself.

2.The petitioner herein seeks a direction to 1st respondent to consider her transfer application submitted by the petitioner dated 25.10.2024 for undergoing renal transplantation in 4th respondent hospital instead of 3rd respondent hospital.

3. The petitioner is suffering from a renal failure and she has been living with the help of dialysis. The petitioner filed an application under Form-11 of Transplantation of Human Organs and Tissues Act, 1994 for undergoing renal transplantation through the 3rd respondent's hospital. After getting approval from the 1st respondent for renal transplantation through the 3rd respondent's hospital, the registration certificate of the 3rd respondent hospital was cancelled by the 1st respondent. The petitioner came to



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understand that 3rd respondent hospital has no valid registration certificate under Human Organ Transplantation Act, 1994. Therefore, the petitioner decided to undergo renal transplantation surgery with the 4th respondent hospital. Hence, transfer application has been filed before the 1st respondent on 25.10.2024 and the same has not been considered till date. Therefore, petitioner has come before this Court.

4.Mr.E.Sundaram, learned Government Advocate takes notice for the respondents 1 and 2

5. Since the petitioner is suffering from renal failure which requires emergency medical attention, the 1st respondent is directed to consider the transfer application filed by the petitioner dated 25.10.2024 and pass final orders on its own merits within a period of two weeks from the date of receipt of copy of this order.

6. With the above directions, the Writ Petition stands disposed of. No costs.

21.12.2024

Index:Yes/No
Internet:Yes/No

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Note: Issue order copy on 07.01.2025

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S.SOUNTHAR, J.

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To

1.The Chairman
Office Of The Chairman Organization Committee,
Directorate Of Medical Education, Kilpauk, Chennai-
600 010

2.The Principal Secretary To Government
Health And Family Welfare Department,
Government Of Tamil Nadu,
Fort St. George, Chennai-600 009.

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