



W.P.(MD)No.10940 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.10940 of 2024

and

W.M.P(MD).No.9738 of 2024

P.Shanthini

... Petitioner

vs.

1.The Director of Medical Education and Research(FAC),
Directorate of Medical Education and Research,
Kilpauk, Chennai - 600 010.

2.The Dean,
KAPV Government Medical College,
Trichy - 620 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned proceedings of the 1st respondent in Ref.No.39428/P & D II/1/2023, dated 14.11.2023 and the consequential recovery order issued by the 2nd respondent in Na.Ka.No.1581/Ni 1/2024, dated 22.04.2024 quash the same.

For Petitioner : Mr.L.Shaji Chellan

For Respondents : Mr.M.Siddharthan
Additional Government Pleader



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ORDER

Heard Mr.L.Shaji Chellan, learned counsel appearing for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader appearing for the respondents.

2. The petitioner has filed this petition seeking to issue a Writ of Certiorari, to call for the records pertaining to the impugned proceedings of the 1st respondent in Ref.No.39428/P & D II/1/2023, dated 14.11.2023 and the consequential recovery order of the 2nd respondent in Na.Ka.No.1581/Ni 1/2024, dated 22.04.2024 and quash the same.

3. The impugned order dated 22.04.2024 has been passed for recovering the cost of 'Video Assisted Thoracoscopy Camera', which was missing from Mahatma Gandhi Memorial Government Hospital, Trichy.

4. The petitioner's contention is that she is the Head of the Department of General Surgery and she is nowhere connected to the Department where the Camera was installed.



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5. Mr.L.Shaji Chellan, learned counsel appearing for the petitioner submitted that the impugned recovery order has been passed even without giving any Show Cause Notice and even without considering the fact that the petitioner was not working in the concerned Department where the Camera was installed. He has further submitted that despite the Camera has gone missing in the year 2021, no action has been taken by filing a criminal complaint. It is his submission that recovery has been initiated not only against the petitioner but also against 28 other persons and the liability as against the petitioner is fixed at a sum of Rs.63604.14/-.

6. Admittedly, the impugned order has been passed without even issuing notice to the petitioner and others. It appears that, so far, no criminal complaint has been registered in this regard. When such an equipment fixed in the Government Hospital goes missing, it is a matter for concern and the Authorities ought to have taken serious action by way of preferring a criminal complaint to find out the culprit behind the missing Camera. Even without resorting to such process, the respondents



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have chosen to initiate recovery proceedings by holding everyone responsible for the occurrence. Since the recovery order has been passed without giving any opportunity to the petitioner and others, the same is liable to be quashed.

7. In view of the above observations, the writ petition is **disposed of** and the impugned order of the first respondent in Ref.No. 39428/P & D II/1/2023, dated 14.11.2023 and the consequential order of the second respondent in Na.Ka.No.1581/Ni 1/2024, dated 22.04.2024 are quashed and the second respondent is directed to issue Show Cause Notice to the petitioner and others and give them an opportunity to make their submission and thereafter, pass order afresh within a period of twelve weeks from the date of receipt of a copy of this order. No cost. Consequently, connected Miscellaneous Petition is closed.

30.04.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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R.N.MANJULA, J.

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