



WP(MD) No.14213 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.14213 of 2024

and

W.P.(MD) No.12466 of 2024

Dr.Supraja,
Presently serving as
Assistant Medical Officer / Incharge of Residential Medical Officer,
Government Ayurveda Medical College and Hospital,
Kotta, Nagercoil,
Kanyakumari – 629 001. ... Petitioner

Vs.

- 1.The State Represented by the Principal Secretary to Government,
Ministry of Health and Family Welfare,
Namakkal Kavignar Maaligai,
Fort St.George,
Chennai.
- 2.The Commissioner,
Indian Medicine and Homeopathy Department,
Chennai Corporation Child Care Centre,
Arignar Anna Government Hospital Campus,
Arumbakkam, Chennai.



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3.The Principal,
Government Ayurveda Medical College and Hospital,
Chidambara Nagar,
Kottar, Nagercoil,
Kanyakumari District - 629 001.

4.The Inquiry Officer,
Government Ayurveda Medical College and Hospital,
Chidambara Nagar,
Kottar, Nagercoil,
Kanyakumari District - 629 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 1st and 2nd respondent to appoint an independent Inquiry Officer to conduct the enquiry proceeding in Reference No. 2172/E/2024 dated 31.05.2024 in free, fair and transparent manner, undue influenced by the 3rd respondent, by considering the petitioner's email/representation dated 17.06.2024.

For Petitioner : Mr.Niranjan S.Kumar

For Respondents : Mr.M.Siddharthan

Additional Government Pleader

ORDER

The petitioner has filed this Writ Petition seeking for a Writ of Mandamus directing the 1st and 2nd respondents to appoint an



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independent Inquiry Officer to conduct the enquiry proceedings in Reference No.2172/E/2024 dated 31.05.2024 in a free, fair and transparent manner, undue influenced by the 3rd respondent, by considering the petitioner's email/representation dated 17.06.2024.

2. Heard Mr.Niranjan S.Kumar, learned counsel for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader for the respondents.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. The petitioner was appointed as Assistant Medical Officer in Government Primary Health Centre, Theni District in the year 2009 and thereafter, transferred to the third respondent college in the year 2014. It is one of the series of writ petitions filed by the employees of the said medical college on various allegations. A complaint addressed to the Residential Medical Officer has been



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lodged by one Reemi against all the duty doctors and the nurses, who have been alleged certain irregularities in the hospital. In this regard, the petitioner asked about the incident happened on that particular date to various persons. All of a sudden, the staff nurse of the third respondent college, namely Sheela had lodged a complaint against the petitioner and another doctor, namely, Senthiasari of the third respondent college stating that the petitioner gave mental agony to the complaint by asking the incident happened.

5. Based on the aforesaid complaint, the third respondent initiated proceedings against the petitioner and the fourth respondent was appointed as an inquiry officer. The petitioner was called for the enquiry. As the petitioner was not able to give any explanation, it was found that the complaint was genuine. Even though the petitioner and the doctor asked to furnish a copy of the complaint, it was refused stating that two persons cannot give one request and that itself would show the genuineness of the complaint



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and hence, the petitioner and another doctor were found guilty. In this regard, the petitioner made several representations and the same was returned as refused. Hence, the petitioner came up before this Court with the aforesaid prayer.

6. The learned counsel appearing for the petitioner submitted that the enquiry officer had given a notice to the petitioner and another doctor to appear for enquiry on 18.06.2024. There cannot be any trouble in furnishing the copy of the complaint to the petitioner. However, it has not been done. The petitioner apprehends that there cannot any fair enquiry if the same enquiry officer conducts the enquiry. Hence, he prays to change the enquiry officer. In this regard, the petitioner made several representations and the same was also returned as refused.

7. When the petitioner and the doctor in the third respondent college addresses any grievance and sent it through registered post, it was returned as refused. The reluctance to receive such



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communication is unfair on the part of the third respondent. The rejection of the petitioner's request itself would show that she has been prejudiced or biased. When the petitioner finds it difficult with the enquiry officer, she cannot approach anyone except the third respondent for remedy. Infact, the refusal to receive the request / representation itself is a prima facie ground for dereliction of duty on the part of the third respondent.

8. It also appears that the college management is not properly controlled by the third respondent. The first and second respondents did not interfere and control causing inconvenience by the duty staff to the patients, for whose benefit, the hospital is functioning. The petitioner has filed this writ petition to direct the first and second respondents to appoint an independent officer, who is out of influence of the third respondent to enquire the complaint sent against the petitioner by one Sheela, staff nurse.



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9. In view of the aforesaid observations and also from the observations of the enquiry officer in the proceedings dated 15.06.2024, the petitioner has made out a prima facie case and hence, I feel it appropriate to direct the respondents 1 and 2 to appoint a fresh enquiry officer.

10. In the result, this writ petition stands allowed. The respondents 1 and 2 are directed to appoint a fresh enquiry officer in this case, who in turn shall furnish a copy of the complaint to the petitioner and conduct enquiry in an impartial manner by affording an opportunity to both the complainant and the petitioner.

11. It is also worthwhile to add here that the first and second respondents shall also enquire and know what had happened in the above college. If the third respondent takes any action to balance the situation, the first and second respondents shall take necessary steps in this regard. Till the appointment of the fresh enquiry officer, the present enquiry officer, ie., the fourth respondent shall



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not proceed with the enquiry. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No
NCC : Yes / No

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R.N.MANJULA, J.

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Order made in
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