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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.24192 of 2024

C.Saranya ... Petitioner

Vs.

1.The Secretary to Government,
Health Department,
Government of Tamil Nadu,
Fort St.George, Chennai-600 009.

2.The Joint Director of Health Service,
DMS Office Campus, Teynampettai,
Chennai-600 018.

3.The District Collector,
Kanyakumari District, Nagercoil.

4.The Joint Director,
Health and Family Welfare Department,
Nagercoil, Kanyakumari District.

5.The Dean,
Government Medical College Hospital,
Nagercoil.

6.The Duty Doctor,
Government Hospital,
Thakkalay, Kanyakumari District. ... Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to pay compensation to the petitioner for the medical negligence caused to the petitioner resulting in life time financial constrains caused to the petitioner to bring up her third child.

For Petitioner : Mr.S.Ramasamy
For Respondents : Mr.D.Sadiq Raja,
Additional Government Pleader

ORDER

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

2.It is the case of the petitioner that after birth of her second child, she underwent family planning operation on 11.03.2000 at the 7th respondent Hospital. However, once again the petitioner got pregnant, which is confirmed by the same Hospital on 30.05.2024. It is occurred due to the negligence on the part of the Hospital in performing family planning operation. Therefore, seeking compensation, she made a representation to the respondents. Since the same has not been considered so far, the petitioner has filed this Writ Petition.

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3.The learned counsel appearing for the petitioner would submit that the petitioner is not in a position to prove the negligence, however, as per G.O. (Ms)No.150, Health and Family Welfare Department, dated 28.05.2014, the petitioner is entitled for compensation. Therefore, it would suffice, if the compensation amount is directed to be paid to the petitioner.

4.Mr.D.Sadiq Raja, learned Additional Government Pleader appearing for the respondents would submit that as per the said Government Order, the amount of compensation is enhanced to Rs.60,000/- to the persons, who got pregnant, even after family planning surgery. Therefore, he has no objection to release the said amount.

5.In such view of the matter, the 1st respondent is directed to pay a sum of Rs.60,000/- (Rupees Sixty Thousand Only) as per the said Government Order to the petitioner, within a period of one month from the date of receipt of a copy of this order. It is also stated that now, the petitioner is eight months pregnant. The 1st respondent, after the child's birth, shall ensure that the child is admitted in the Government School and given free education.

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6.With the above observation and direction, this Writ Petition is disposed of. No costs.

16.10.2024

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

Yuva

To

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N.SATHISH KUMAR, J.

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