



W.P.No.26739 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26739 of 2022

And

W.M.P.No.25794 of 2022

A.Anuradha

... Petitioner

Vs.

1 The Government of Tamil Nadu
Represented by its Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Chennai – 600 009.

2 The Tamil Nadu Medical Council
Represented by its Registrar,
914, Poonamallee High Road,
Arumbakkam,
Chennai – 600 106.

3 Manipal Hospital Salem,
Dalmia Board,
Salem-Bangalore Highway,
Salem – 636 102.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the impugned summons issued by the second respondent bearing Reference No TNMC/T.No 414/2021 dated 15.09.2022, and quash



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paragraph 4 therein as illegal and without jurisdiction, and consequently direct the second respondent to permit the petitioner to avail the assistance of a legal practitioner in the disciplinary enquiry conducted against the doctors of the third respondent hospital in Enquiry No TNMC/T.No 414/2021.

For Petitioner : Mr.Harshavarthan
for M/s.Govind Chandrasekhar

For Respondents : Mr.E.Sundaram for R1
Government Advocate
Mr.S.Nedunchezhiyan for R2

ORDER

This writ petition has been filed seeking issuance of Writ of Certiorarified Mandamus to call for the records of the summons issued by the second respondent bearing Reference No.TNMC/T.No 414/2021 dated 15.09.2022, and quash paragraph 4 therein as illegal and without jurisdiction, and consequently direct the second respondent to permit the petitioner to avail the assistance of a legal practitioner in the disciplinary enquiry conducted against the Doctors of the third respondent hospital in Enquiry No.TNMC/T.No 414/2021.

2.The learned counsel appearing for the petitioner submitted that the petitioner's husband was admitted in the third respondent



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hospital for his illness, however, due to wrong diagnosis, he passed away. Thereby, the petitioner made representation to the respondents 1 and 2 and since there was no response, filed W.P.No.24616 of 2021 and pursuant to the order of this Court dated 18.11.2021 made in the said writ petition, the impugned summons was issued, in which, the petitioner sought permission to avail the assistance of a legal practitioner in the disciplinary enquiry conducted against the Doctors of the third respondent hospital, however, the same was rejected. The learned counsel further submitted that the petitioner is entitled to take assistance of a legal practitioner since the petitioner is not an expert in the medical field.

3.The learned counsel appearing for the second respondent submitted that even Lawyers are not expert in the medical field. If the petitioner wants to cross examine the Doctor, she can engage a medical practitioner. In the present case, the second respondent is the competent body to conduct enquiry and find out as to whether there is any medical negligence. Hence, the relief sought for in this writ petition is not sustainable one.

4.Heard the arguments advanced on either side and perused the



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materials available on record.

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5.The grievance of the petitioner is that she wants to cross examine the Doctor of the third respondent before the second respondent. It is useful to extract hereunder Clause 8.2 of the Tamil Nadu Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2003:

"8.2.It is made clear that any complaint with regard to professional misconduct can be brought before the Tamil Nadu Medical Council for disciplinary action. Upon receipt of any complaint of professional misconduct, the Tamil Nadu Medical Council would hold an enquiry and give opportunity to the registered medical practitioner to be heard in person or by pleader."

6.Perusal of the above clause makes it clear that upon receipt of any complaint of professional misconduct, the Tamil Nadu Medical Council would hold an enquiry and give opportunity to the registered medical practitioner to be heard in person or by pleader, however, such provision is applicable only to the medical practitioner and not to the complainant.



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7.In view of the above, the relief sought for in this writ petition cannot be granted. The writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

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Represented by its Secretary to Government,
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Chennai – 600 009.
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M.DHANDAPANI,J.
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