



W.P.No.12052 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 04.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.12052 of 2025

J.MUMTAJ

... Petitioner

Vs

1. DIRECTORATE OF MEDICAL AND RURAL HEALTH SERVICES,
REPRESENTED BY ITS DIRECTOR,
NO.359, DMS COMPLEX,
361, ANNA SALAI,
CHENNAI, TAMIL NADU - 600 006.
2. HEALTH AND FAMILY WELFARE DEPARTMENT
REPRESENTED BY ITS THE ADDITIONAL CHIEF SECRETARY,
GOVERNMENT OF TAMIL NADU,
CHENNAI - 600 009.
3. PUBLIC GRIEVANCE OFFICER,
REPRESENTED BY ITS DEPUTY DIRECTOR W & PG,
MINISTRY OF HEALTH AND FAMILY WELFARE,
GOVERNMENT OF INDIA,
ROOM NO.402-D,
NIRMAN BHWAN, NEW DELHI - 110 001.
4. PROTECTOR OF EMIGRANTS,
REPRESENTED BY ITS SECRETARY,
MINISTRY OF EXTERNAL AFFIARS,
GOVERNMENT OF INDIA,
RAYALA TOWERS, TOWER 2,
4TH FLOOR, ANNA SALAI,
CHENNAI - 600 078.
5. MINISTRY OF OVERSEAS INDIAN AFFAIRS,
GOVERNMENT OF INDIA,
REPRESENTED BY ITS SECRETARY,



W.P.No.12052 of 2025

AKBAR BHAVAN, CHANAKYA PURI,
NEW DLEHI - 110 021.

... Respondents

WEB COPY

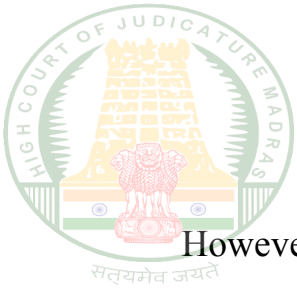
Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondents 1 to 5 to take action against the petitioner complaint dated 20.04.2024 and provide the Emigrant assistance to return to work overseas.

For Petitioner	: Mr.J.Shanavas Khan
For R1 & R2	: Mr.E.Sundaram Government Advocate
For R3 to R5	: Mr.N.Sivaprakash (SCGSC)

ORDER

The writ petition is filed with a prayer to direct the respondents 1 to 5 to take action against the petitioner complaint dated 20.04.2024 and provide the Emigrant assistance to return to work overseas.

2. Upon hearing the learned counsel appearing for the petitioner and perusing the affidavit filed in support of the writ petition, the grievance of the petitioner is that she was originally working in Kuwait. While so, after the expiry of her Visa, she returned to India, she has now secured employment in Kuwait again. Therefore, she applied for a Visa once again to return for work.



W.P.No.12052 of 2025

However, when as per the procedure that is followed by the Embassy of the said Country, the petitioner was directed to appear for a fitness certificate, a particular private laboratory engaged by the embassy issued an erroneous certificate, stating that the the petitioner was physically unfit.

3. It is the case of the petitioner that she is hale and healthy and very much fit. The particular laboratory issued an erroneous certificate. Against the very same laboratory, the Kerala State Consumer Dispute Redressal Commission has already passed an award in C.C.No. 20 of 2014. Therefore, the petitioner has filed this writ petition.

4. Granting a visa to Kuwait is within the domain of the Kuwait authorities. If they have engaged a particular private laboratory to certify the fitness of the applicants and are relying on the certificate, this Court under Article 226 of the Constitution of India, cannot give any direction to those authorities. Neither the respondents have any authoritative say over the matter. It is for the Kuwait authorities to grant Visa to the petitioner. All that the respondents can do is that the fourth respondent, namely the Protector of Emigrants or such other Authority in the Ministry of External Affairs can only bring it to their notice that the private laboratory report is being suspected and



W.P.No.12052 of 2025

therefore, they can reconsider the issue by directing the petitioner to appear before the some other laboratory as a special case and it is for the said embassy authorities to consider the same.

5. In view thereof, this writ petition is disposed of with the following directions:-

(i) The petitioner's representation shall be taken up for enquiry by the fourth respondent. If the fourth respondent is not the jurisdictional authority, the same can be forwarded to the jurisdictional authority.

(ii) The said authority under the Ministry of External Affairs, can only write to the Kuwait authorities through the embassy that they can re-consider the issue of the petitioner by giving her one more chance of appearing for the medical fitness test before same laboratory or any other laboratory as they may choose to.

(iii) The said exercise shall be completed as expeditiously as possible by the fourth respondent. No costs.

04.04.2025

Neutral Citation: Yes/No
nsl

To

4/6



W.P.No.12052 of 2025

WEB COPY

1. DIRECTORATE OF MEDICAL AND RURAL HEALTH SERVICES,
REPRESENTED BY ITS DIRECTOR,
NO.359, DMS COMPLEX,
361, ANNA SALAI,
CHENNAI, TAMIL NADU - 600 006.
2. HEALTH AND FAMILY WELFARE DEPARTMENT
REPRESENTED BY ITS THE ADDITIONAL CHIEF SECRETARY,
GOVERNMENT OF TAMIL NADU,
CHENNAI - 600 009.
3. PUBLIC GRIEVANCE OFFICER,
REPRESENTED BY ITS DEPUTY DIRECTOR W & PG,
MINISTRY OF HEALTH AND FAMILY WELFARE,
GOVERNMENT OF INDIA,
ROOM NO.402-D,
NIRMAN BHWAN, NEW DELHI - 110 001.
4. PROTECTOR OF EMIGRANTS,
REPRESENTED BY ITS SECRETARY,
MINISTRY OF EXTERNAL AFFIARS,
GOVERNMENT OF INDIA,
RAYALA TOWERS, TOWER 2,
4TH FLOOR, ANNA SALAI,
CHENNAI - 600 078.
5. MINISTRY OF OVERSEAS INDIAN AFFAIRS,
GOVERNMENT OF INDIA,
REPRESENTED BY ITS SECRETARY,
AKBAR BHAVAN, CHANAKYA PURI,
NEW DLEHI - 110 021.



WEB COPY



W.P.No.12052 of 2025

D.BHARATHA CHAKRAVARTHY, J.

nsi

W.P.No.12052 of 2025

04.04.2025