



W.P(MD)No.5681 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.03.2025

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THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.5681 of 2025
and
W.M.P(MD)No.4141 of 2025

C.Sureshkumar

..Petitioner

Vs

- 1.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Health and Family Welfare Department,
Secretariat, Chennai – 600 009.
- 2.The Director,
Directorate of Medical and Rural Health Services
in Tamil Nadu,
DMS Campus,
Teynempet, Chennai.
- 3.The District Collector,
Kanyakumari District,
At Nagercoil.
- 4.The Joint Director,
Medical, Rural Health Services,
Nagercoil- 629 002.
Kanyakumari District.



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5. Dr. Zulfir Hassan Mohammed Khan,
Deputy Director,
Medical Services (Asthma)
Kanyakumari Government Medical College,
Asaripallam, Kanyakumari District.

6. Dr. Rajaiyan
Superintendent of Hospital,
District Head Office of Government Hospital,
Padmanabhapuram,
Kanyakumari District.

7. Jeba Gift Singh
Pharmacist,
Arumanai Government Hospital,
Arumanai Post,
Kanyakumari District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari and Mandamus to call for the enquiry report dated 02.11.2024 furnished by the 5th and 6th respondents based on the petitioner's representation and quash the same as illegal and consequently direct the 1st respondent to appoint higher officers to conduct fresh enquiry with production of CCTV footage available in the Government Hospital, Arumanai to look into the incident happened on 31.08.2024 and to file enquiry report and to take action against the respondents 5 and 6 for fabricating false evidence in collusion with the 7th respondent within a stipulated period that may be fixed by this court.

For Petitioner : Mr. S. Sivakumar

For Respondent : Mr. S. Vinoth
Govt. Advocate (for RR1 to 5)



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ORDER

The petitioner seeks to quash the enquiry report dated 02.11.2024 furnished by the respondents 5 and 6 based on his representation and to direct the first respondent to appoint higher officers to conduct a fresh enquiry with the production of CCTV footage available in the Government Hospital, Arumanai, to look into the incident that happened on 31.08.2024 and to file an enquiry report and to take action against the respondents 5 and 6 for fabricating false evidence in collusion with the 7th respondent.

2. The petitioner states that he was taking treatment at Arumanai Government Hospital. At that time, when he went for treatment, the 7th respondent misbehaved with him. The petitioner pleads that the entire incident on 31.08.2024 was recorded in CCTV camera and despite the same, an enquiry report was submitted exonerating the 7th respondent. The petitioner pleads that the defence that has been raised by the 7th respondent that the petitioner had sought medicines beyond the period that had been prescribed by the doctor is a false one. He further states that a nurse, by name, Varghese Mary Jerold had not been examined during his presence. On these grounds, he seeks to quash the enquiry report.



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WEB COPY 3. I heard Mr.S.Sivakumar, for the petitioner and Mr.S.Vinoth, learned Government Advocate for the respondents 1 to 5.

4. On the complaint given by the petitioner, the fourth respondent had decided to initiate an enquiry to find out the truth. Two doctors, one holding the rank of Deputy Director of Medical Services and the other one being the Superintendent of Hospitals at Padmanabhapuram, were appointed. These two doctors have conducted a detailed enquiry and submitted a report. The enquiry committee, by the very nature of things, is only a fact-finding body. It is appointed for the purpose of the employer to see if the allegations against the employee have been made out.

5. Mr.S.Sivakumar points out that the 7th respondent did not treat the petitioner in a proper manner. In case the petitioner has been abused, the solution is to approach the civil court seeking for damages or approach the consumer court stating that there was a deficiency in service at the hands of Arumanai Government Hospital. An enquiry report neither affects the rights of the petitioner nor does it take away any vested right from his hands.



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WEB COPY 6. As stated above, it is only a fact-finding body. Hence, this writ petition challenging the enquiry report is not maintainable. Leaving it open to the petitioner to approach the forum that can grant any relief as against the hospital and the 7th respondent, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

04.03.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

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To

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V.LAKSHMINARAYANAN, J.

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