

W.P(MD)No.10436 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No. 10436 of 2021

and

W.M.P(MD)Nos. 8112 & 8113 of 2021

Ganesan

... Petitioner

vs.

1. State of Tamilnadu Represented by
The Principal Secretary,
Health and Family Welfare Department,
State Department, Fort St. George,
Chennai-600 009
2. The Directorate of Medical Education Represented By,
The Director, the Directorate of Medical Education,
162, E.V.R Periyar Road,
Kilpauk, Chennai-600 010
3. The District Collector,
Thanjavur District, Thanjavur.
4. The Dean,
Government Raja Mirasdar Medical College Hospital,
Thanjavur.
5. The Inspector of Police,
Town West Police Station,
Thanjavur.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a *Writ of Mandamus*, directing the respondents to pay the



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fair amount of compensation for lethargically and negligently cut the petitioner's 14 days old child's thumb in her left hand by the staff nurse in the respondent no.4 hospital in accordance with law within the time stipulated by this Court.

For Petitioner : M/s.Alagumani

For Respondents : Mr.T.Ajmalkhan,
Government Advocate, for R-1 to R-4

M/s.M.Aasha, Government Advocate
(Criminal side) for R-5

ORDER

The present writ petition is filed for Writ of Mandamus seeking compensation from the respondents.

2. The brief facts are that the petitioner's wife delivered a girl child on 25.05.2021. Both the petitioner's wife and child were treated as inpatient in the 4th respondent hospital. The contention of the petitioner is that staff nurse named Sheela, who was on duty at the time, carelessly took a pair of scissors and hurriedly attempted to remove the venflon from the child's left hand, but wrongly the left thumb of the 14-day-old baby was severed. Hence, the present writ petition is filed seeking compensation.

3. It is seen that vide interim order dated 09.08.2021 the petitioner was granted Rs.75,000/-. When the case was posted for further hearing this Court

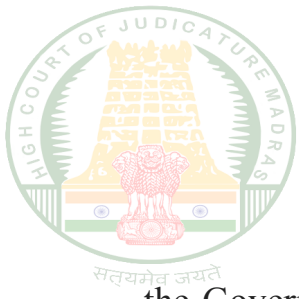


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directed the petitioner to submit a calculation sheet by applying the principles laid down under the Motor Accident Claims and also under any other Act. The petitioner had submitted three calculation sheets. One by applying multiplier method, second by applying partial disability method, third by Workmen Compensation Act.

4. For the purpose of arriving at a reasonable compensation, this Court had taken the principles applied in cases of partial permanent disability under Motor Accidents Claims and the calculation under Workmen's Compensation. More or less the calculation shows Rs.10 lakhs. The said method of calculation is not strictly applicable to the facts of the present case, since the facts are entirely different. Therefore, this Court is of the considered opinion that if the compensation is fixed as Rs.7,50,000/- as final compensation, the same would be fair and just compensation.

5. After deducting the interim compensation of Rs.75,000/-, the balance compensation of Rs.6,75,000/- shall be paid by the respondents. The said amount shall be paid within a period of 12 weeks from the date of receipt of a copy of this order.



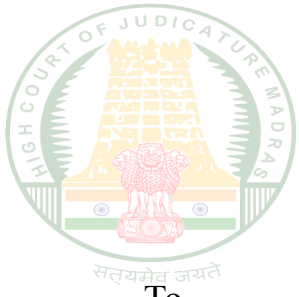
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6. The petitioner is at liberty to seek further treatment for the child at the Government Medical College, Omandurar Government Estate, 169, Wallajah Road, Triplicane, Chennai, Tamil Nadu - 600002, after the child attains the age of 12 years, for the purpose of undergoing plastic surgery.

7. With the above observations and directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

19.06.2025

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



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To
WEB COPY

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2. The Directorate of Medical Education,
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WEB COPY



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S.SRIMATHY, J.

KSA

**ORDER MADE IN
W.P(MD)No.10436 of 2021**

DATED :19.06.2025