



W.P(MD)No.25869 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.09.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25869 of 2025

1.M.Jai Balaji Subramanian

2.R.Kalavathy

... Petitioners

Vs.

1.National Medical Commission,
Pocket - 14, Sector - 8,
Dwarka Phase - 1,
New Delhi - 110 077.

2.Tamil Nadu Medical Council,
No.914, Poonamallee High Road,
Arumbakkam, Chennai - 600 106.

3.Principal Secretary to Government,
Health and Family Welfare,
Namakkal Kavingar Maaligai,
4th Floor, Secretariat,
Fort St. George, Chennai - 600 009.

4.S.Priyadharshini,
Anaesthesia Surgeon at Government Hospital,
Munsif Court Road,
Tirumangalam,
Madurai - 625 706.

... 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 1 to 3 to initiate necessary action against the 4th respondent on the online complaint submitted by the petitioner by email dated 16.07.2025 for fraudulently issued the life certificate dated 04.05.2025 without seen and examined the petitioners.

For Petitioners : Mr.S.Sathyaganesh

For Respondents : Mr.R.Thirunavukarasu for R1

Mr.V.Ramesh for R2

Mr.R.Ragavendran,
Government Advocate for R3.

ORDER

Heard learned counsel for the writ petitioners, the learned counsel for the first respondent, the learned counsel for the second respondent and the learned Government Advocate for the third respondent.

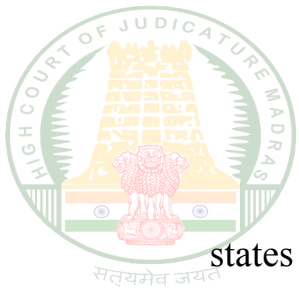
2.The petitioners have given a complaint by e-mail to the first respondent as well as the second respondent for taking action against the fourth respondent. According to the complainants, the fourth respondent



W.P(MD)No.25869 of 2025

had indulged in professional misconduct by issuing life certificates at the instance of the power agent of the writ petitioners. The case of the writ petitioners is that the petitioners had originally appointed one P.V.Rajarajeswaran, Chartered Accountant as their power agent vide deed dated 24.06.2024 and that the same was subsequently revoked on 05.05.2025. While so, the said power agent had presented a document on the strength of the revoked power of attorney before the registering authority on 05.05.2025. Since presentation by a power agent requires a life certificate that the principal is still alive, the power agent had procured two life certificates from the fourth respondent. The petitioners claim that they are not acquainted with the fourth respondent and that they never appeared before the fourth respondent or signed in her presence.

3.The learned counsel for the petitioners draws my attention to the advisory issued by the Tamil Nadu Medical Council on 31.01.2021 cautioning registered medical practitioners that while issuing life certificate, they should be satisfied with the identity of the person and that life certificates should not be issued to unknown persons. It further



W.P(MD)No.25869 of 2025

states that issuing false life certificates would be considered as a misconduct and appropriate action would be taken against the registered medical practitioners. The petitioners have come before this Court for directing the respondents 1 to 3 to take action against the fourth respondent in this regard.

4. When the matter was taken up for hearing, the learned standing counsel for the first respondent clarified that the first respondent is only an appellate authority and that action in the first instance should be taken only by the second respondent. The third respondent clarified that they have nothing to do with the issue on hand as of now. The second respondent submitted that the fact remains that the writ petitioners are very much alive and that therefore, the certificates in question cannot be said to be bogus.

5. I carefully considered the rival contentions and went through the materials on record.



W.P(MD)No.25869 of 2025

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6.The prime allegation made by the writ petitioners against the fourth respondent is that the signatures attributed to the writ petitioners in the life certificates issued by the fourth respondent are a rank forgery. In Paragraph No.29 of the affidavit filed in support of the writ petition, it has been stated that a police complaint has already been lodged before the jurisdictional police and that a private complaint has also been filed before the Judicial Magistrate, Melur in this regard.

7.I am of the view that the second respondent may not be in a position to come to any conclusion at this stage that the signatures attributed to the writ petitioners have been forged. It is only the forensic expert who can give finding in this regard. Even this can only be tentative and it is the jurisdictional court that can render final pronouncement in the matter. The Medical Council though a disciplinary authority is not competent to go into the allegation of forgery when it is not supported by forensic opinion. It is not for the disciplinary authority to seek such opinion in the first instance. The onus is on the complainant only.



W.P(MD)No.25869 of 2025

8.The petitioners have already initiated the criminal process.

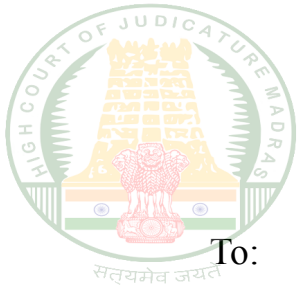
Unless a definite finding is arrived at against the fourth respondent, the Writ Court cannot issue any Writ of Mandamus. Issuing a direction as sought for by the petitioners can seriously jeopardise the professional standing of the doctor concerned. Direction to take action on one's complaint cannot be lightly issued. There must be prima facie material to justify the complaint. As of now, it is the petitioners' word against that of the fourth respondent.

9.I am of the view that this writ petition has been prematurely filed. It is open to the writ petitioners herein to proceed against the fourth respondent before the Medical Council after gathering sufficient material.

10.With the aforesaid liberty to the writ petitioners, this writ petition is dismissed. No costs.

22.09.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias/SKM



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W.P(MD)No.25869 of 2025

G.R.SWAMINATHAN, J.

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W.P(MD)No.25869 of 2025

22.09.2025
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