



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

259

CWP-16208-2024

Date of decision:10.07.2025

MAHESH KUMAR

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM:- HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Rishabh Aggarwal, Advocate
for the petitioner.

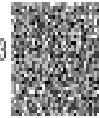
Mr. Pankaj Mulwani, DAG, Haryana.

Mr. Vishesh Bhatia, Advocate for
Mr. P.K. Mutneja, Advocate
for respondent No.3-Haryana Medical Council.

Mr. Sahil Khunger, Advocate
for respondent No.7.

KULDEEP TIWARI, J.

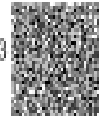
1. By filing the instant petition cast under Article 226/227 of the Constitution of India, the petitioner sought the issuance of mandamus for deciding the complaints dated 30.11.2023 (Annexure P-3), 05.02.2024 (Annexure P-7) and 27.05.2024 (Annexure P-11) filed by the petitioner from some independent Committee outside from district Panchkula.
2. Learned counsel for the petitioner submits that the Committee constituted by the CMO Panchkula, by not adjudicating the complaint in a transparent manner, rather the petitioner complaint, is being harassed under the



garb of an inquiry. By referring to some of the events, he submits that he has lost all the faith in the existing Committee, therefore, the complaint of the petitioner be transferred to some other Committee, outside district Panchkula.

3. What surface from the perusal of the instant petition, and the short reply filed by the Civil surgeon, Panchkula, is that the complaint of the petitioner against respondents No.6 and 7, arising out of a medical negligence, in treatment of his son Anuj Ahuja, was received and the said complaint was forwarded to the Medical Negligence Board on dated 06.12.2023, for an inquiry. Thereafter, the Medical Negligence Board served a notice to the petitioner on dated 20.12.2023, to cause appearance before the Board on dated 28.12.2023 at 02.30 p.m., along with relevant evidence and witnesses to substantiate his allegations. During the course of the said inquiry, the Negligence Board, realised the requirement of some original documents, therefore, the hearing of the inquiry was adjourned and fixed for dated 03.01.2024. However, on the subsequent date of hearing, the petitioner failed to provide the requisite documents as directed, thereby, delaying the submissions of conclusive inquiry report. Thereafter, the Negligence Board kept on sending reminder letters to the petitioner, to join the inquiry, and to make available the original documents, however, the petitioner repeatedly failed to join the inquiry proceedings.

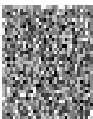
4. Thereafter, on dated 04.01.2024, the petitioner filed a second complaint against the Bright Kidney Care Hospital (respondent No.6), and the members of the Medical Negligence Board, alleging that Board had threatened him to hand over the original file to doctor Bodhraj Thakur, and further accused them of pressurizing him to settle the matter. Again, the petitioner



filed complaint on dated 05.02.2024, with similar allegations. In view of the above sequel of events, inquiry pending before the Medical Negligence Board, Panchkula could not be completed. Now, the petitioner has approached this Court seeking transfer of his complaint to any other Medical Negligence Board outside district Panchkula.

5. Though, this Court was unable to find any substantive evidence sufficient to substantiate apprehension expressed by the petitioner against the Medical Negligence Board, Panchkula, however, in order to maintain the faith of the petitioner in the inquiry process, this Court is of the opinion that no prejudice would cause to respondents No.6 and 7, in case the personal complaint of the petitioner is transferred to any other district. Therefore, this Court has put a specific query to learned counsel for respondents No.6 and 7, as to whether, he has any objections with regard to transfer of the inquiry. Though he joined the issue with regard to the allegations levelled by the petitioner, and specifically oppose the allegations as well as the prayer made by the petitioner, however, he submits that that petitioner is purposely delaying the conclusion of the inquiry pending before the Medical Negligence Board, Panchkula.

6. This Court has heard the submissions of both the counsels, and without observing anything on merit of the instant issue, directs that the proceedings of the instant case shall be transferred to some other district, furthermore, Court put a specific enquiry to both learned counsel for the petitioner, as well as respondents No.6 and 7, as to whether, they agree, in case, the instant case is transferred to CMO Ambala for the latter to constitute a fresh Medical Negligence Board, on the original complaint, (Annexure P-3) as



preferred by the petitioner, to which both the parties have agreed.

7. Therefore, in view of the aforesaid, the instant petition is **disposed of**, with a direction to Civil Surgeon, Panchkula, to forthwith transfer the original complaint (Annexure P-3), to CMO Ambala. Further, the CMO Ambala upon receipt of complaint, shall constitute the Medical Negligence Board, as per the notification conducted by the State of Haryana. It is further expected that the Medical Negligence Board, as may be constituted, shall make all its endeavour to complete the inquiry, most expeditiously.

8. This Court further passes a mandamus upon petitioner to co-operate with the Medical Negligence Board, by remaining present on each and every date, as and when required by the Board, and by submitting all the relevant documents as may be/shall asked by the Board, so constituted.

9. Ordered, accordingly.

(KULDEEP TIWARI)
JUDGE

10.07.2025
P.Bhatt

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No