



WEB COPY

WP No. 13633 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

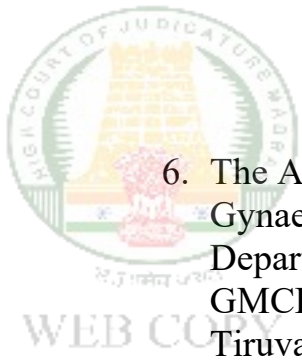
WP No. 13633 of 2025

S.Keshika(minor)
Rep. By his Father and Next Friend K.Shankar,
No.65, Lakshmi Nagar,
Thozhur Village,
Tiruvallur District- 602 025.

..Petitioner(s)

Vs

1. The State of Tamil Nadu
Rep. by its Principal Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai- 09.
2. The District Collector
Collectorate Office,
Jaya Nagar,
Tiruvallur District- 602 001.
3. The District Superintendent of Police
District Police Office,
Jaya Nagar,
Tiruvallur District- 602 001.
4. Tamil Nadu Medical Council
Rep. by its President, No.959 and 960,
Poonamallee High Road,
Purasawalkkam, Chennai- 84.
5. Government Medical College Hospital
Rep. by its Dean,
Tiruvallur,
Tiruvallur District- 602 001.



6. The Assistant Surgeon
Gynaec Ward,
Department of Obstetrics and Gynaecology,
GMCH, Tiruvallur,
Tiruvallur District.

..Respondent(s)

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the Respondents 1 and 5 to compensate the petitioner for the erroneous treatment provided to the petitioner by the 6th Respondent and his Assistants resulting in pain and sufferance and mental agony to the petitioner and further directing the Respondents 1 to 5 to initiate appropriate departmental action against the 6th Respondent and his assistants who performed surgery on the Petitioner in view of the petitioner's representation dated 13.02.2025.

For Petitioner: Ms.Karthikaa Ashok

For Respondent(s): Mr.K.Tippusulthan for R1, R2, R4 to R6

Government Advocate

Mr.V.Meghanathan for R3

Government Advocate (Crl. Side)

ORDER

This petition has been filed seeking a direction to the respondents 1 and 5 to compensate the petitioner for the erroneous treatment provided to the petitioner by the 6th respondent and his assistants resulting in pain and



sufferance and mental agony to the petitioner and further directing the respondents 1 to 5 to initiate appropriate departmental action against the 6th respondent and his assistants who performed surgery on the Petitioner in view of the petitioners representation dated 13.02.2025.

2.The case of the petitioner is that she was erroneously treated by the doctors, who failed to fix the drain tube after abdominal surgery, resulting in infection and suture gapping. This negligence forced the petitioner to undergo multiple surgical procedures, causing severe physical pain and mental suffering. The erroneous treatment and negligence of the doctors are punishable, and the State is vicariously liable to compensate the petitioner for the errors committed by its doctors. Hence, the present writ petition has been filed, seeking a direction to respondents 1 to 5 to compensate the petitioner for the erroneous treatment provided by the 6th respondent and his assistants, which resulted in pain, suffering, and mental agony. The petitioner also seeks a further direction to respondents 1 to 5 to initiate appropriate departmental action against the 6th respondent and his assistants, who performed the surgery, in view of the petitioner's representation dated 13.02.2025.

3. The learned counsel for the petitioner submitted that this Court may issue a direction to the first respondent to constitute an expert committee, hear both the petitioner and the 6th respondent, and thereafter pass appropriate orders.



4. The learned Government Advocate appearing for respondents 1, 2, and 4 to 6 submitted that the first respondent will indeed constitute an expert committee to ascertain whether there was any negligence on the part of the 6th respondent, and appropriate orders will be passed on merits and in accordance with law.

5. Though the name of the 6th respondent was printed in the cause list, no one appeared on his behalf.

6. Considering the limited request made by the learned counsel for the petitioner, this Court directs the first respondent to constitute an expert committee to determine whether there was any negligence on the part of the 6th respondent and to pass appropriate orders on merits and in accordance with law, after affording an opportunity of personal hearing to both the petitioner and the 6th respondent, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

22-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Uma



To

1. The Principal Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai- 09.
2. The District Collector
Collectorate Office,
Jaya Nagar, Tiruvallur District- 602 001.
3. The District Superintendent of Police
District Police Office, Jaya Nagar,
Tiruvallur District- 602 001.
4. The President,
Tamil Nadu Medical Council
No.959 and 960, Poonamallee High Road,
Purasawalkkam, Chennai- 84.
5. The Dean
Government Medical College Hospital
Tiruvallur, Tiruvallur District- 602 001.
6. The Assistant Surgeon
Gynaec Ward, Department of Obstetrics And
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M.DHANDAPANI, J.

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