



141 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-7961-2026 (O&M)

Date of Decision: 17.03.2026

Mahesh Kumar

...Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. S.K. Liberhan, Advocate for the petitioner.

Mr. Akshit Pathania, AAG, Haryana.

Mr. Himanshu Malik, Senior Panel Counsel
for the respondent-UOI.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of report (Annexure P-15) prepared by a Board of Members. He is further seeking direction to reconstitute a Committee of Doctors to re-inquire his complaints.

2. This is second round of litigation. The petitioner on the earlier occasion preferred **CWP No.16208 of 2024** before this Court seeking direction to respondent to constitute some independent committee outside the District Panchkula. This Court vide order dated 10.07.2025 disposed of said petition with a direction to Civil Surgeon, Panchkula to transfer original complaint to CMO Ambala. CMO was further directed to constitute a Medical Negligence Board as per notification of State of Haryana. The relevant extracts of order dated 10.07.2025 read as:

“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.”

3. The respondent pursuant to aforesaid order, constituted fresh Medical Negligence Board which examined documentary as well as oral evidence and submitted its report. The findings of the Board read as:

“5. Board Review and Findings

After reviewing the patient's medical records and procedural notes, statements submitted including audio CDs, statements and cross-questioning from both parties, and the clinical course and standard protocols followed, it was concluded by the medical review board that:

The patient was treated in accordance with established medical standards and protocols.

The episode of urinary retention was a recognized post-procedural complication, not attributable to any negligent act or omission. The patient's departure without formal discharge limited further monitoring and care.

It is submitted that the date mentioned on the medical summary as 28/11/2023. However, it is further clarified that the said summary was not officially handed over by the hospital authorities to the patient or his attendants.

The patient himself took the said document without informing the treating doctor or hospital staff.

Therefore, the document cannot be considered as an officially issued or authenticated record of Bright Kidney

Hospital.

6. Conclusion

Based on the documentation, witness statements, and procedural records, it is concluded that:

There is no evidence of medical negligence on the part of Bright Kidney Hospital or the treating doctors.

The patient was managed as per standard medical practice, and his premature departure without informing the treating team was against medical advice.”

4. Learned counsel representing the petitioner submits that Committee has not submitted conclusive report. They have acted mechanically. The matter needs to be referred to third committee to independently examine the matter.

5. Heard the arguments and perused the record.

6. From the perusal of record, it is evident that petitioner did not trust Medical Negligence Board constituted by CMO, Panchkula. On his request, matter was referred to CMO, Ambala who constituted Medical Negligence Board. A Committee comprising six Doctors examined the matter and submitted its afore-stated report. This Court cannot ask respondent to constitute third Committee. The petitioner has remedy to approach Civil Court or District Consumer Forum in case his grievance survives. This Court cannot examine disputed question of facts.

7. ***Disposed of*** with liberty to the petitioner to avail remedies as permissible by law.

8. Pending application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

17.03.2026
Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No

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