

W.P(MD)No.18593 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 25.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.18593 of 2023
and
WMP(MD)No.1055 of 2024

Krishnan.P

... Petitioner

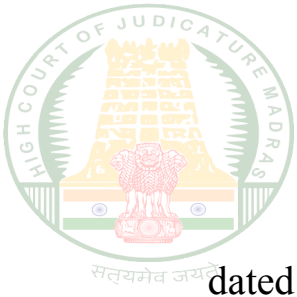
Vs

1.The Deputy Director,
Health and Family Welfare,
Government Hospital Premises,
Tenkasi District.

2.The Block Medical Officer,
Primary Health Care Centre,
Kadaiyam,
Tenkasi District.

... Respondents

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 and 2 to take departmental action against duty doctors and all the duty nurses who were working on 31.07.2022 and 01.08.2022 at Primary Health Centre, Kadayam and pay compensation to the petitioner by considering the representations



W.P(MD)No.18593 of 2023

dated 04.08.2022 and 20.08.2022.

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For Petitioner : Mr.K.P.Narayanakumar
For Respondents : Mr.C.Venkatesh Kumar
Special Government Pleader

ORDER

The petitioner, a resident of Alwarkurichi, Tenkasi has admitted his pregnant wife in Primary Health Centre, Kadayam, on 31.07.2022 at 2.00 a.m., due to labour pain. The petitioner's wife was in the advanced stage of pregnancy, however, the nurse and the duty doctor in the Primary Health Centre have treated the petitioner's wife in a negligent manner and they have driven this petitioner to take his wife for better treatment in a private nursing home. The petitioner has lodged a complaint on 04.08.2022 and also sent a reminder on 20.08.2022, for taking action as against the concerned doctor and the nurse, who treated the petitioner's wife in the Primary Health Centre, Kadayam in a negligent manner. However, the same was not considered by the respondents and therefore, the petitioner



W.P(MD)No.18593 of 2023

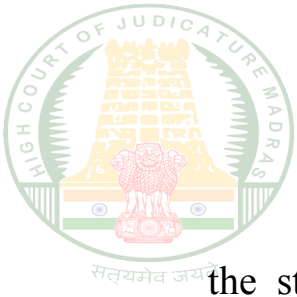
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has filed this writ petition seeking a writ of Mandamus.

2.The learned Special Government Pleader appearing for the respondents by referring to the proceedings of the Deputy Director, Health and Family Welfare, Tenkasi dated 12.12.2022 submits that based on the complaint of this petitioner, dated 04.08.2022, an enquiry was conducted and found that the allegations made by this petitioner are false. A copy of the enquiry report is also placed before this Court.

3.The learned counsel appearing for the petitioner submits that the enquiry has been conducted behind his back without even hearing this petitioner.

4.In reply, the learned Special Government Pleader by referring to the summon issued to this petitioner dated 17.08.2022 submits that this petitioner was called for an enquiry to appear before the enquiry officer on 23.08.2022, however, he has not appeared to offer his explanation and therefore, according to him,



W.P(MD)No.18593 of 2023

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the stand taken by the petitioner that he was not provided with opportunity is not correct.

5.This Court considered the rival submissions made and also perused the materials placed on record.

6.The petitioner has raised certain allegations as against the duty doctor and the nurse, who were working in the Primary Health Centre, Kadayam on 31.07.2022 that when the petitioner's wife was admitted due to labour pain, they have treated the patient in a negligent manner. The petitioner also claims that his complaint as against the doctor and the nurse has not been addressed properly and he was not provided with any opportunity in the enquiry proceedings. On the side of the respondents, it is contended that an opportunity of hearing has been provided to the petitioner, however, he has not appeared and offered any explanation. The enquiry report placed before this Court discloses that the petitioner's wife and his mother-in-law went out of the Health Centre, with an intention to



W.P(MD)No.18593 of 2023

WEB COPY

take further treatment at a private hospital. It is made clear that this Court, under Article 226 of the Constitution of India cannot conduct a roving enquiry as to the genuineness of the allegations made by this petitioner. The only available remedy for the petitioner is before the appropriate Civil Court.

7.In view of the above, this writ petition is disposed of, with a direction to the respondents to furnish a copy of the enquiry report along with a copy of the CCTV footage of the Primary Health Centre, Kadayam at the relevant period to the petitioner. The petitioner is at liberty to work out his remedy for compensation before the appropriate Civil Court. No costs. Consequently, connected Miscellaneous petition is closed.

25.02.2026

Index:Yes
Internet:Yes
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W.P(MD)No.18593 of 2023

WEB COPY

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W.P(MD)No.18593 of 2023

B.PUGALENDHI, J.

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25.02.2026