

W.P.No.16078 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 20.08.2025

CORAM :

THE HON'BLE MR. JUSTICE N.ANAND VENKATESH

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Dr.N.Balasubramaniam

.. Petitioner

v.

1. Tamil Nadu Medical Council  
rep by the Registrar  
New No.914, Old No.569  
Poonamallee High Road  
Arumbakkam  
Chennai 600 106
2. Directorate of Medical and Rural  
Health Services rep by the Director  
No.359-361, DMS Complex  
Anna Salai, Chennai 600 006
3. The Joint Director  
Directorate of Medical and Rural Health Services  
Race Course, Coimbatore 641 018
4. Royal Care Super Speciality Hospital Ltd  
rep by its Managing Director  
L & T Bypass, Neelambur  
Coimbatore 641 062



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5. The National Medical Commission  
Ethics and Medical Registration Board  
Pocket 14, Sector 8  
Dwarka, Phase 1  
New Delhi 110 077

.. Respondents

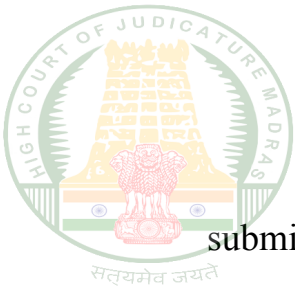
Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to impugned order passed by the 1<sup>st</sup> respondent dated 12.12.2023 bearing Ref.No.TNMC/T.No.3811/2023 and quash the same and consequently direct the 1<sup>st</sup> respondent to pass a speaking order within a stipulated time after taking into consideration the report submitted by the State Government Appointed Committee in WP No.20995 of 2023.

For Petitioner :: Mr.R.Rajesh Kumar

For Respondents :: Mr.U.Baranidharan  
Additional Government Pleader  
for R1  
Mr.E.Sundaram  
Government Advocate for R2 & R3  
Ms.S.Varsha for R4  
Ms.Shubharanjani Ananth for R5

### ORDER

This writ petition has been filed challenging the impugned proceedings of the first respondent dated 12.12.2023 and for a consequential direction to the first respondent to pass a speaking order, within the time frame fixed by this Court, after considering the report



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submitted by the State Government Appointed Committee.

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2. Heard the respective learned counsel appearing for the parties.

3. The case of the petitioner is that his father was admitted in the fourth respondent hospital and was given treatment and he was discharged from the hospital on 24.01.2020. Immediately thereafter, he fell ill and he was once again admitted in the fourth respondent hospital, where he developed severe infection and was administered with antibiotic drugs. As a consequence, his kidney failed and he had to undergo dialysis, until his demise on 01.09.2020. Under such circumstances, the petitioner gave a complaint to the first respondent to conduct enquiry and take action.

4. The petitioner filed the earlier writ petition in W.P.No.20995 of 2023 for a direction to the first and second respondents to conduct enquiry based on the complaint given by the petitioner. When this writ petition was pending, a team of doctors was constituted and they submitted a report. The same was taken into consideration by this Court and the writ petition was



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disposed of by an order dated 21.09.2023 in the following terms:-

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“2. Pursuant to the same, a re-enquiry indeed has been done by a team of Doctors constituted of Coimbatore Medical College Hospital, Coimbatore, and they came out with their opinion /observations, as below :

? An elderly patient (76 years) with loss of appetite, low grade fever and easy fatigability could have been evaluated for malignancy.

? Persistently high alkaline phosphatase along with bony sclerosis is a clue to underlying prostate malignancy apart from Pager's disease. Prostate malignancy could have been considered as the first differential diagnosis.

? Per rectal examination could have been done for an elderly patient.

? Serum PSA must have been suggested by the Urologist called for opinion, especially in this scenario.

? With multiple sites of infections, the relevant consultants could have preferably discussed and decided on single / double antimicrobial agents which are effective for all the sources of infection. Thereby, poly pharmacy and frequent antibiotic changes could have possibly been avoided.

? Patient had polyserositis. CB NAAT assay from two sites were weakly positive. Since patient was very sick and already diagnosed with prostate cancer, and being put on multiple antibiotics, ATT could have been deferred."



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3. The said report of the team of Doctors constituted of Coimbatore Medical College Hospital, Coimbatore, is hereby recorded. Since the object of the petition has been addressed, nothing survives for consideration. Accordingly, the writ petition is closed. No costs.”

5. The grievance of the petitioner is that the first respondent, through the impugned proceedings dated 12.12.2023, without assigning reasons and without considering the report of the Committee, has passed the order stating that there was no professional misconduct on the part of the fourth respondent. Aggrieved by the same, the present writ petition has been filed before this Court.

6. Counter affidavits have been filed by the first and third respondents.

7. The grievance expressed by the petitioner is to the effect that the first respondent had passed the impugned order without assigning reasons and without dealing with the complaint given by the petitioner as well as the



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report submitted by the Committee. On carefully going through the impugned proceedings of the first respondent, it is seen that the first respondent has straightaway rendered a finding that there was no professional misconduct on the part of the doctors in the fourth respondent hospital. There is nothing to show that the first respondent had applied their mind on the report that was submitted by the team of doctors constituted by the Coimbatore Medical College and Hospital, Coimbatore. That apart, there is also no indication as to whether the first respondent applied their mind on the specific allegations made by the petitioner. Hence, such order, which lacks reasons, has to be necessarily interfered with by this Court.

8. In the light of the above discussion, the impugned proceedings of the first respondent dated 12.12.2023 are quashed. The matter is remitted back to the file of the first respondent with a direction to the first respondent to conduct the enquiry based on the report that has been submitted by the Committee and pass a reasoned order, within a period of twelve weeks from the date of receipt of a copy of this order.



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9. In the result, this writ petition is allowed with the above direction.

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Index : yes/no

20.08.2025

Neutral citation : yes/no

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To

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N.ANAND VENKATESH,J.

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