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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Special Original Jurisdiction )

Thursday, the Fourth day of February Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice M.M.SUNDRESH  
and  
The Hon`ble Mrs.Justice S.ANANTHI

WP(MD) No.1993 of 2021

and

WMP(MD) No.1695 of 2021

AMBIKA

... PETITIONER

Vs

- 1 UNION OF INDIA,  
REPRESENTED BY THE SECRETARY,  
THE DEPARTMENT OF HEALTH AND FAMILY WELFARE,  
NIRMAN BHAWAN, MAULANA AZAD ROAD,  
RAJPATH AREA, CENTRAL SECRETARIAT,  
NEW DELHI-110 011.
- 2 THE DRUG CONTROLLER GENERAL OF INDIA,  
OFFICER OF THE DRUG CONTROLLER OF INDIA,  
FDA BHAWAN, C-WING, NEW DELHI.
- 3 THE STATE OF TAMIL NADU,  
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT,  
HEALTH AND FAMILY WELFARE DEPARTMENT,  
FORT ST.GEORGE, CHENNAI-600 009.
- 4 THE CHAIRMAN,  
TAMIL NADU MEDICAL SERVICES CORPORATION,  
NO.417, PANTHIYAN SALAI,  
2<sup>nd</sup> FLOOR, EGMORE, CHENNAI.
- 5 THE DISTRICT COLLECTOR,  
THOOTHUKUDI DISTRICT.
- 6 THE DISTRICT COLLECTOR,  
VIRUDHUNAGAR DISTRICT.
- 7 THE DIRECTOR OF PUBLIC HEALTH AND PREVENTIVE MEDICINE,  
NO.359, ANNA SALAI,  
CHENNAI-6.

8 THE DEPUTY DIRECTOR OF HEALTH SERVICES,  
THOOTHUKUDI, THOOTHUKUDI DISTRICT.

9 THE EXECUTIVE OFFICER,  
VILATHIKULAM PUDUR PANCHAYAT TOWN,  
THOOTHUKUDI DISTRICT.

10 THE DEAN,  
ALL INDIAN INSTITUTE OF MEDICAL SCIENCE,  
ANSARI NAGAR, NEW DELHI-29.

11 THE DEAN,  
JAWAHARLAL INSTITUTE OF POST-GRADUATE  
MEDICAL EDUCATION AND RESEARCH (JIPMER),  
DHANVANTARI NAGAR,  
PUDUCHERRY-605006.

... RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue a Writ of Mandamus to direct the respondents to take action on the concerned officials, for causing the death of the petitioners husband by name Manokaran and consequently provide fair and reasonable compensation to the petitioner for the death of her husband by name Manokaran and to provide employment to one member of the petitioner family forthwith.

Prayer in WMP(MD). 1695/ 2021 :

To direct the respondents immediately constitute a panel of doctors including forensic doctors and pathologist from the respondent no. 10 and 11 institutions for conducting post mortem on the petitioners husbands dead body by name Manokaran now kept at Aruppukottai Government Hospital, and submit report before this Hon'ble Court, within the time stipulated by this Hon'ble Court.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.ALAGUMANI.R, Advocate for the petitioner and of MRS.J.VICTORIA GOWRI, Assistant Solicitor General of India on behalf of the Respondents 1 & 2 and MRS.J.PADMAVATHI DEVI, Special Government Pleader for the Respondents 3 to 11, the court made the following order:-

(Order of the Court was made by **M.M. SUNDRESH, J.**)

Mrs.J.Victoria Gowri, learned Assistant Solicitor General of India takes notice for respondents 1 & 2. Mrs.J.Padmavathi Devi, learned Special Government Pleader takes notice for respondents 3 to 11.

2. The petitioner is the wife of a frontline worker, who died in service. The case of the petitioner is that the deceased is

suspected to have died after having the vaccine. The learned Counsel for the petitioner submitted that though it is only in the realm of suspicion, the respondents ought to have followed the guidelines of the year 2015, namely, AEFI Operational Guidelines, which state that the Autopsy will have to be done by a team of Doctors consisting of Autopsy Surgeon, Pathologist and Forensic Specialist. In the recent guidelines for COVID-19 vaccines, 2020, it has been stated that there must be an investigation on AEFI cases.

3. Considering the submissions made and after perusing the aforesaid two guidelines of the years 2015 & 2020, respectively, we direct the Head of the Aruppukottai Government Hospital, Virudhunagar District, to conduct the Autopsy with the participation of Autopsy Surgeon, Pathologist and Forensic Specialist, if not done already in the said manner. This has to be done immediately. While undertaking the said exercise, the specific instructions given in Annexure-17 of the AEFI guidelines, 2015, will have to be kept in mind.

4. The learned Special Government Pleader is to instruct the officials accordingly.

5. Post the matter on **05.02.2021**, for further hearing.

sd/-  
04/02/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

1 THE SECRETARY,  
UNION OF INDIA,  
THE DEPARTMENT OF HEALTH AND FAMILY WELFARE,  
NIRMAN BHAWAN, MAULANA AZAD ROAD,  
RAJPATH AREA, CENTRAL SECRETARIAT,  
NEW DELHI-110 011.

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OFFICER OF THE DRUG CONTROLLER OF INDIA,  
FDA BHAWAN, C-WING, NEW DELHI.

3 THE PRINCIPAL SECRETARY TO THE GOVERNMENT,  
STATE OF TAMIL NADU,  
HEALTH AND FAMILY WELFARE DEPARTMENT,  
FORT ST.GEORGE, CHENNAI-600 009.

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MEDICAL EDUCATION AND RESEARCH (JIPMER),  
DHANVANTARI NAGAR,  
PUDUCHERRY-605006.

COPY TO:

- 1 THE HEAD,  
ARUPUKOTTAI GOVERNMENT HOSPITAL,  
VIRUDHUNAGAR DISTRICT.
- 2 THE SPECIAL GOVERNMENT PLEADER,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
WP(MD) No.1993 of 2021  
and  
WMP(MD) No.1695 of 2021  
Date :04/02/2021

gk  
JM/VR/SAR II/04.02.2021/4P/14C