

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Special Original Jurisdiction

Tuesday, the Twenty Second day of December Two Thousand AND Twenty

PRESENT

The Hon`ble Mr.Justice N.KIRUBAKARAN

AND

The Hon`ble Mr.Justice B.PUGALENDHI

WP(MD)No.73 AND 222 of 2019

AND

Suo Motu WP(MD)No. 7231 of 2019

Abbas Mandhiri ... Petitioner(s) in WP(MD). 73/ 2019
S.Muthukumar ... Petitioner(s) in WP(MD). 222/ 2019
The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai ... Petitioner(s) in WP(MD). 7231/ 2019

/ VERSUS /

1. The State of Tamilnadu, Rep.By the Secretary, Department of Health and Family Welfare, Fort.St.George, Chennai.
2. The Director, Primary Health Services, Dms , Teynampet, Chennai.
3. The Director, Tamilnadu State Aids Control Society (Tan Sacs), Chennai.
4. The District Collector, Collectorate Building, Virudhunagar District
5. The Dean, Madurai Rajaji Govt., Hospital, Madurai.
6. The Joint Director of Health Services, Virudhunagar District
7. The Medical Officer, Sivakasi Govt., Hospital, Virudhunagar District
8. The Medical Officer, Sattur Govt., Hospital, Virudhunagar District
9. The Programme Manager, District Aids Prevention and Control Unit (Dapcu), Madurai District
10. Muthu, (R10 is Impleaded Vide Court Order Dated 21/03/19 in WMP (MD)no.5368/19)
11. The Divisional Manager, Divisional Office, Life Insurance Corporation Of India, Madurai.
(R11 is Sua Motu Impleaded Vide Court Order Dated 30.11.2020 in Wp(MD).73/2019

... Respondent(s) in WP(MD). 73/ 2019

2. The Secretary to Government , State of Tamil Nadu Health and Family Welfare Dept., Secretariat, Fort St.George, Chennai-09
3. The Secretary to Government , State of Tamil Nadu, Social Welfare and Justice Dept., Secretariat, Fort St.George, Chennai-09
4. The District Collector, Madurai District, Madurai
5. The District Collector, Sivagangai District, Sivagangai
6. The District Collector, Virudhunagar District, Virudhunagar.
7. M.Mangaleswarn, (R7 is Suo Motu Impleaded Vide Court Order Dated 13/03/19)

8. The Divisional Manager, Divisional Office, Life Insurance Corporation Of India, Madurai.
(R8 is Suo Motu Impleaded Vide Court Order Dated 30.11.2020 in Wp(MD).222/2019 ... **Respondent(s) in WP (MD). 222/ 2019**

1. The Chief Secretary , Government of Tamil Nadu, Secretariat, Chennai-9
2. The State of Tamilnadu Rep by the Secretary, Dept. of Health and Family Welfare, Fort St.George, Chennai
3. The Director , Medical and Health Services, Teynampet, Chennai
4. The Project Director/member Secretary, Tamilnadu State Aids Control Society (Tan Sacs), Chennai-8
5. The District Collector, Collectorate Building, Virudhunagar
6. The District Collector , Collectorate Building, Madurai
7. The Dean, Madurai Rajaji Govt. Hospital, Madurai
8. The Joint Director Of Health Services, Virudhunagar District
9. The Medical Officer, District Head Quarters Hospital, Virudhunagar District
10. The Medical Officer , Sattur Govt. Hospital, Virudhunagar District
11. The Medical Officer, Sivakasi Govt. Hospital, Virudhunagar District
12. The Programme Manager, District Aids Prevention and Control Unit(Dapcu), Madurai District
13. The Programme Manager District Aids Prevention and Control Unit(Dapcu), Virudhunagar District
14. The Divisional Manager, Divisional Office, Life Insurance Corporation Of India, Madurai.
(R14 is Suo Motu Impleaded Vide Court Order Dated 30.11.2020 in Wp(MD).7231/20

... **Respondent(s) in Suo Motu WP(MD). 7231/ 2019**

Prayer in WP(MD). 73/ 2019 :

Writ Petition filed under Article 226 of the Constitution of

India, praying this Court To issue a Writ of Mandamus directing the respondents to take effective steps for preventing AIDS through blood transfusion and other ways by the way of allotting more funds for providing blood safety equipments to the Government Hospitals in all over Tamil Nadu and Consequently direct the Respondent No.1. to enact the Rule for the safety blood policy in the interest of Welfare of the people in Tamil Nadu.

Prayer in WP(MD). 222/ 2019 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to monitor blood Bank Government and Private Institution and remove the persons who are not having proper educational qualification required for working in (TANSACS Programme- ICTC, Blood Bank, STI Clinic, ART Centres) Government Hospitals and in DAPCUs (District AIDS Prevention and Control Unit) through TNSACS (Tamil Nadu State AIDS Control Society) on the basis of the petitioners representation dated 29.12.2018, within a time frame to be stipulated by this court.

Prayer in Suo Motu WP(MD). 7231/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to extend appropriate relief as deem fit and proper, to the helpless victim Tmt.Muthu for the sufferings and mental agony undergone by her for no fault of her.

ORDER:- This Writ Petition coming up for orders on this day and upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Thiru.R.Venkatesan, Advocate for the Petitioner in WP(MD)No. 73 of 2019, Mr.K.Neelemegam, Advocate for the Petitioner in WP(MD)No. 222 of 2019 and Mr.G.Thalaimutharasu, Advocate for the Petitioner in Suo Motu WP(MD)No. 7231 of 2019 and of Thiru.K.Chellapandian, Additional Advocate General assisted by Mr.M.Muthugeethaiyan, Special Government Pleader on behalf of the State Government Official Respondents in all cases, this Court made the following order:

(Order of the Court was made by **N.KIRUBAKARAN, J.**)

When the matter is called today, a certificate has been produced from the Doctor attached to the Government Hospital, Sathur stating that the victim has to spend a sum of Rs.250/- to Rs.300/- per day for nutrition to boost up her immunity.

2. In view of the above, the Government is directed to pay a sum of Rs.7,500/- (Rupees Seven Thousand and Five Hundred only) every month to the victim.

3. It is represented that as per paragraph No.34(3) of the earlier order of this Court, dated 26.07.2019, a permanent job was directed to be given to the victim. However, the victim has been appointed as Office Assistant, as she passed +2 and has not completed B.Com., and she has got some arrears. Therefore, atleast, she should be appointed as Junior Assistant.

4. When this Court verifies the same, the learned Additional Advocate General appearing for the respondents would submit that though the victim has been appointed as Office Assistant, she is doing clerical work. Therefore, it is appropriate to direct the respondents to appoint her as Junior Assistant.

5. In this regard, the learned Additional Advocate General appearing for the respondents would get instructions.

6. Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor, appointed by this Court to assist the victim would submit that Siddha Medical Centre is providing treatment for AIDS patients by providing RNA therapy and that is available at Siddha Research Centre, Tambaram.

7. In this regard, the learned Additional Advocate General appearing for the respondents would get instructions.

8. Call the matter on 23.12.2020 as first item.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

- 1.The Chief Secretary to Government of Tamil Nadu, Secretariat, Fort St.George, Chennai-600 009.
2. The Secretary to Government of Tamilnadu, Department of Health and Family Welfare, Fort.St.George, Chennai.
- 3.The Secretary to Government of Tamil Nadu, Social Welfare and Justice Department, Secretariat, Fort St.George, Chennai-600 009.
4. The Director, Primary Health Services , DMS , Teynampet Chennai.
- 5.The Director, Medical and Health Services , Teynampet , Chennai.
6. The Director, Tamilnadu State Aids Control Society (TANSACS) Chennai.
7. The District Collector, Collectorate Building Virudhunagar District
8. The District Collector, Madurai District, Madurai.

9. The District Collector, Sivagangai District, Sivagangai.
10. The Dean,
Madurai Rajaji Govt. Hospital Madurai.
11. The Joint Director of Health Services , Virudhunagar District
12. The Medical Officer,
Sivakasi Govt. Hospital Virudhunagar
District
- 13 The Medical Officer,
District Head quarters Hospital, Virudhunagar District
14. The Medical Officer,
Sattur Govt. Hospital , Virudhunagar District
15. The Programme Manager,
District Aids Prevention and Control Unit (Dapcu) ,
Madurai District
- 16 The Project Director/Member Secretary,
Tamilnadu State Aids Control Society (TANSACS), Chennai.
- 17 The Programme Manager,
District Aids Prevention and Control Unit (Dapcu),
Virudhunagar District

Copy to:

1. The Registrar Judicial,
Madurai Bench of Madras High Court, Madurai.
2. The Section Officer,
Writ Section,
Madurai Bench of Madras High Court, Madurai
(To List the matter on 23.12.2020)

ORDER DATED : 22/12/2020

HEARING DATE : 23/12/2020

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ORDER

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WP (MD) No. 73 AND 222 of 2019
AND
Suo Motu WP (MD) No. 7231 of 2019

Giving direction and etc.
as stated within.