

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.29498 of 2022

ORDER: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. P. Giri Krishna, learned counsel for the petitioner.

Ms. Archana, learned Standing counsel for respondent
No.1.

Learned Government Pleader for Medical, Health and
Family Welfare for respondent No.2.

Learned Government Pleader for Home for respondent
No.3.

Learned Government Pleader for Revenue for
respondent No.4.

Mr. Gudi Madhusudhan Reddy, learned counsel for
respondent No.5.

2. In this writ petition, the petitioner, who is a Medical
Practitioner, challenges order dated 07.03.2022 in

H.R.C.No.954 of 2022 passed by the Telangana State Human Rights Commission, Hyderabad (hereinafter referred to as “the Commission”) by which the Commission has entertained the complaint made by respondent No.5 against the petitioner.

3. The facts giving rise to filing of this writ petition briefly stated are that the petitioner is a registered Medical Practitioner. Respondent No.5 was admitted for family planning operation in People’s Hospital, Mustabad, Rajanna Sircilla District where the petitioner was an employee. The grievance of respondent No.5 is that while she underwent family planning operation in the People’s Hospital, on account of negligence of the petitioner, her gallbladder was removed and her bile duct got damaged and she fell seriously sick. Thereafter, she joined in Sunshine Hospital, Secunderabad and took treatment for four months.

4. Respondent No.5 thereupon made a complaint on 21.06.2022 to the Telangana State Medical Council (hereinafter referred to as “the Council”) and the Council took cognizance of the said complaint and issued notice to

the petitioner. The proceedings before the Council are pending. Thereafter, on 07.03.2022, respondent No.5 filed similar complaint before the Commission. The Commission entertained the said complaint and without issuing any notice to the petitioner has passed the impugned order, by which the Commission has constituted a Committee consisting of DMHO, Rajanna Sircilla District, DSP, Sircilla and the RDO, Sircilla and directed the Committee to conduct enquiry and submit comprehensive report. In the aforesaid factual background, this petition is filed.

5. Learned counsel for the petitioner submits that respondent No.5 has already approached the forum prescribed in law with regard to her grievance and therefore, she cannot be permitted to approach the Commission, which has no jurisdiction to deal with the claim for medical negligence.

6. On the other hand, learned counsel for the Commission has submitted that the instant case is a case of violation of human rights and therefore, the Commission

was justified in entertaining the complaint of respondent No.5.

7. We have considered the rival submissions made on both sides and perused the record.

8. Admittedly, respondent No.5 has filed a complaint against the petitioner before the Council on 21.06.2022, which is pending adjudication. We have no manner of doubt that the aforesaid Council shall call the petitioner and respondent No.5 and shall proceed with the matter expeditiously.

9. In the peculiar facts of the case, since respondent No.5 had already approached the Council with regard to her grievance, it is not open for her to again file a complaint before the Commission. A party cannot invoke parallel proceedings and prosecute the same simultaneously. It is also pertinent to note that the matter is pending adjudication before an expert body, which deals with the issue of medical negligence.

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10. For the aforementioned reasons, order dated 07.03.2022 passed by the Commission in H.R.C.No.954 of 2022 is quashed.

11. In the result, the writ petition is allowed.

Miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

ALOK ARADHE, CJ

T. VINOD KUMAR, J

Date: 14.08.2023
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