

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

101

CWP-4727-2019

Date of Decision : May 16, 2025

SUSHIL KUMAR

-PETITIONER

V/S

STATE OF HARYANA AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Karan Garg, Advocate
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

Mr. Pawan Kumar Mutneja, Sr. Advocate with
Mr. Viranjeet Singh Mahal, Advocate
for the respondent No.3.

Mr. Aditya Gautam, Advocate
for the respondent No.4.

Mr. Siddharth Gulati, Advocate
for the respondent No.5.

KULDEEP TIWARI, J. (ORAL)

1. The petitioner, whose unfortunate four/five months' pregnant wife lost her life in the 19th year of her age, has approached this Court for issuance of directions upon the respondent(s) to constitute an independent medical board from a Premier Medical Institute of Chandigarh or from PGIMS, Rohtak, in order to ascertain as to whether his wife lost her life owing to gross medical negligence on the part of respondents No.5 and 6.

2. The learned counsel for the petitioner, while referring to the medical enquiry report dated 10.08.2018 (Annexure P-14), wherein, the respondents No.5 and 6 have not been found guilty of gross medical negligence, rather their conduct has merely been found to be of error of diagnosis, submits that, the said medical report does not hold any legal sanctity

inasmuch as the medical board, which authored it, was not constituted in accordance with the notification dated 28.02.2018, issued by the Haryana Government, Health Department. Therefore, interference of this Court is required in the present case.

3. The learned counsels appearing for the respondents do not raise any wrangle either about the composition of the medical board (supra) or the notification (supra) issued by the Haryana Government, rather they extend their “No Objection” for re-constitution of a fresh medical board in view of the notification (supra).

4. This Court has heard the learned counsels for the contesting litigants. At this stage, this Court is not commenting anything on merits of the instant writ petition, rather is only considering the fact that, the medical report (supra) has not been prepared by a medical board constituted in accordance with the notification (supra).

5. Consequently, the instant writ petition is **disposed of** with a direction upon the “District Medical Board for Negligence” concerned, as constituted under the notification (supra), to conduct afresh enquiry on the petitioner’s complaint, and thereafter, submit its report to the authority concerned.

6. Needless to say, due opportunity of hearing be granted by the Board concerned to the petitioner and to the respondents No.5 and 6 before drawing its report. The above exercise shall be completed within three months.

7. **Disposed of accordingly.**

May 16, 2025
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No