

Office of the West Bengal Clinical Establishment Regulatory Commission

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Case Reference: WBCERC/KOL/203/2024-25

Ravi Shankar Shaw Complainant

vs

Devine Nursing Home.....Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	06/01/2025	<p>The complaint would reveal an extreme unfortunate situation where a new born 2.9 kg baby (girl child) died out of aspiration due to sheer negligence on the part of the CE.</p> <p>CE would submit that the mother had caesarean on September 2, 2024 at 9.45 am. At about 10:30 pm on the same day, the baby was given to her mother for breast feeding who died due to aspiration.</p> <p>The complainant would contend, the mother had anaesthesia hence, she could not take due care of the baby and the accident happened. Even after the accident nobody cared when the mother pushed the emergency</p>

bell. She then made a phone call to her relatives however, by that time the baby had died.

Medical Superintendent representing the CE, would contend, the paediatrician immediately attended the baby. She was transferred to NICU. CPR was given however, despite of all attempts being made the baby could not be revived.

We have asked for the concerned nurse on duty who gave the baby to the mother for breast feeding. Deputy Nursing Superintendent present online, would inform us, the patient was under care of GNM staff Ms. Sangita Barui and Ms. Paulami Maity, 2nd year student of nursing; we understand, Paulami was having online distance nursing course from a private Institute of Bangalore.

Paulami Maity has already left the CE after the incident. We are also told, Ms. Sangita Barui also tendered her resignation that is yet to be put into effect as at present she is on wedding leave.

Our esteemed medical members are unanimous of the view that no amount of compensation would be appropriate to compensate the ill fated mother who lost her baby without having any fault.

We wish to impose a penalty of Rs. 10,00,000/- on the CE.

At this juncture, Dr. Debraj Deb Purakastya, medical superintendant would pray for reduction of the amount.

Considering the facts and circumstances we are not inclined to do so however, we grant opportunity to the CE to pay it off by ten equal monthly instalments.

The complaint is disposed of accordingly.

Sd/-
The Hon'ble Chairperson

Sd/-
Prof. (Dr.) Sukumar Mukherjee – Member

Sd/-
Prof. (Dr.) Makhan Lal Saha – Member

Sd/-
Dr. Maitrayee Banerjee – Member

Sd/-
Smt Madhabi Das – Member

Authentic