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Office of the West Bengal Clinical Establishment Regulatory Commission

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Case Reference: ID-WBCERC/PAS/215/2024-25

Present: Justice Ashim Kumar Banerjee (Retired), Chairman

Dr. Sukumar Mukherjee,

Dr. Makhan Lal Saha

Dr. Maitrayee Banerjee,

Smt. Madhabi Das.

Santosh Rajak .....Complainant

- Versus-

Midnapore Nursing Home .....Respondent

Heard on: January 06, 2025.

Judgment on: February 5, 2025.

## **BACKDROP**

Pushpa Rajak got admitted at Midnapore Nursing Home, Rabindranagar, District-Paschim Midnapore on September 6, 2023 for delivery of her child under Dr. Dipankar Mondal.

The delivery was uneventful, according to the nursing home.

Pushpa gave birth to a minor son and was discharged on September 10, 2023.

After about three days on September 13, 2023 she developed a severe pain abdomen and continuous bleeding from the lower part of the anterior uterin.

She was admitted at the Midnapore Nursing Home.

According to the nursing home, the patient came at about 7.30 p.m. She was admitted under Dr S.K. Dey. Dr. Dey was not available at the time of admission. He gave necessary instruction over phone to the RMO Dr. Anup Kumar Ruj( Registration No 94521) who attended the patient.

According to the nursing home, the patient had aspiration while taking biscuit at home that resulted in severe pain. Dr. Dey did not come. Whatever telephonic instruction he had given, the RMO treated the patient accordingly. She was shifted to ICU at about 8.10 p.m.

As per the BHT, the patient came at 7.30 p.m. when the concerned RMO examined the patient and shifted her to ICU. As per telephonic instruction received from Dr. S.K. Dey, necessary treatment was given to the patient. At 8.10 p.m, the patient relatives were explained about the high risk and the patient was referred to higher set-up. The patient was shifted to Medinipur Medical College. Ultimately the patient died at 11.40 p.m.

## **RESPONSE**

In the response, the Nursing Home contended, they tried to contact the concerned Gynecologist Dr. Mondal as well as Dr Santosh Kumar Dey, physician. However, none of them could be found. Dr. D Mondal could not be contacted as his phone was found to be "out of reach." Dr. Santosh Dey was out of station. He gave telephonic instruction to the concerned

RMO and accordingly the RMO treated the patient to the best of his ability.

Police complaint was made. Postmortem was done that gave an opinion *“death was due to hemorrhagic shock due to loosening of the uterin suture in a post LUCS patient done on 06.09.2023.”*

### HEARING

We heard the parties at length on January 06, 2025.

The complainant, the unfortunate husband of the deceased, would narrate his ordeal.

The proprietor of the Nursing Home Dr. Debal Ranjan Dutta was also present online. According to Dr. Dutta, he was homeopath. Since the patient had been admitted for delivery at his Nursing Home and the patient developed post-operative complication he admitted the patient under Dr. Santosh Kumar Dey, physician. Dr. Dey was out of station. As per his advice, the RMO treated the patient to the best of his ability.



## EXPERT VIEW

Dr. Runa Bal, HOD, Department of Obstetrics and Gynecology, NRS Medical College Kolkata was also present at the hearing to assist us as an expert. Dr. Bal also interacted with the parties. She gave her opinion that is quoted below:

- *"Mrs. Pushpa Rajak, 38 yrs, was admitted to Midnapore Nursing Home, Paschim Midnapore on 6.9.23 under Dr. Dipankar Mondal, for safe confinement.*
- *She underwent C Section on the same day, 6.9.23. post-operative period was uneventful and she was discharged on 10.9.23 in a stable condition.*
- *Subsequently, on 13.9.23 she was re-admitted in the same Nursing home with respiratory distress / Pain in her body and bleeding. At that time the nursing Home authority tried to contact the Specialist doctors of Medicine and also Dr D Mondal, but couldn't contact any of them. The on duty RMO initiated primary management. After managing the patient for an hour without improvement, they referred her to Midnapore Medical College.*

- The patient died in Midnapore Medical College and post mortem was done.
- The cause of death in Post mortem report was "**hemorrhagic shock due to loosening of uterine sutures.**" This may indicate some amount of bleeding from the uterine wound post operatively.
- The Nursing home should have some arrangement of emergency management by experts apart from the care of RMO.
- As per protocol of Govt. of West Bengal, the patient should have been discharged on 7th day after C Section. Early discharge should have been avoided.
- Mr. Santosh Rajak lodged the complaint against the treating Gynaecologist, Dr. Dipankar Mondal. This should be dealt with by the Medical Council."

### OUR VIEW

We have considered the rival contentions. We have also perused the expert opinion to which we are Ad-idem. We do not find any primary lapses on the part of the nursing home. The nursing home

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admitted the patient for Caesarean C section that was uneventful. Since the patient had post-operative complication and approached the nursing home. They admitted the patient and tried to contact specialist doctors that unfortunately could not be done. The patient was ultimately transferred to Midnapore Medical College where she breathed her last. At the hearing the owner of the nursing home categorically submitted that since they had a moral responsibility towards the patient. They initially admitted the patient for such post-operative complication hoping that they could get hold of the concerned gynaecologist as well as specialist physician. Unfortunately they could not do so. The patient was treated by the RMO by getting tele advice from the concerned physician who was on the way to the nursing home from a distant place. When the situation became critical the patient was sent to Midnapore Medical College where she breathed her last.

We do not find any scope to interfere at this stage as we do not have any specific allegation against the nursing home.



The death is unfortunate and the situation was beyond control of the nursing home. The post-mortem report would suggest, there had been post-operative bleeding. Such issue could only be considered by appropriate body of experts. Such medical issue is outside our domain.

## RESULT

The complainant would be free to approach and question the self same issue before appropriate authority if he so likes.

The complaint is disposed of accordingly.

Sd/-

**ASHIM KUMAR BANERJEE**

We agree,

Sd/-

**Dr. Sukumar Mukherjee,**

Sd/-

**Dr. Makhan Lal Saha – Member**

Sd/-

**Dr. Maitrayee Banerjee,**

Sd/-

**Smt. Madhabi Das.**

*Authentic*

Secretary  
West Bengal Clinical Establishment  
Regulatory Commission