

**THE WEST BENGAL CLINICAL ESTABLISHMENT
REGULATORY COMMISSION.**

Present: Justice Ashim Kumar Roy, Chairperson.

Dr. Sukumar Mukherjee, Member.

Dr. Abhijit Chowdhury, Member.

Dr. Madhusudan Banerjee, Member.

COMPLAINT ID: PAB/2017/000185.

Mr. Ravi Shankar Saw.....Complainant.

-versus-

Shankar Bhavan Netralaya & others.....Respondents.

Date of judgment: 17th January, 2018.

JUDGMENT.

It is the case of the complainant as it transpires from the letter of the complaint and his affidavit, in brief, is as follows.

Having irritation with redness in eye and discharge of water, on June 27, 2017, he had been to Shankar Bhavan Netralaya, HCL Road Rupnarayanpur, District- Burdwan. At the said hospital one Dr. Subhajit Palit, claiming to be an eye surgeon examined him and prescribed an eye drop. Immediately after administration of that eye drop prescribed by Dr Palit the condition of his eye became more painful and his vision diminished. Thereafter he was treated at Disha Eye Hospital at Durgapur after prolonged treatment he recovered. It is also alleged that his vision was found 6/6 by Dr Palit but it was found 6/12 at Disha Eye Hospital. According to the complainant, thereafter, he made an enquiry and came to learn that Dr Palit is not a qualified

doctor and medical practitioner. He is posing himself as an eye surgeon and using title of a doctor.

2. At once upon receipt of the letter of complaint, a notice was issued against the clinical establishment Shankar Bhavan Netralaya and Subhojit Palit. In response to that, the doctor filed his affidavit. It appears that the person who treated the complainant was wrongly described as Subhojit Palit and his real name is Subhodip Palit.

3. In his reply in the form of affidavit Mr Subhodip Palit claimed that he is an optometrist and never represented himself as a doctor. He never used 'Dr.' before his name either in the letter head pad or in the signboard. It is his further case that no medical papers have been produced to show reduction in vision. The medicine prescribed Wetica DS, carboxymethylcellulose is a very primary medicine used in foreign body sensation due to viral conjunctivitis and it was never reported that such medicine has a side effect that might cause loss of vision. It is claimed vision was not 6/12 but it was 6/9p at Disha. The vision was not 6/6, it was 6/6(p) that means he was able to read only the 6/9 line of snellen's chart and only one (1) digit of 6/6 line. It is vehemently urged that he only prescribed the medicine and the patient purchased it from the market and used it. But no cash memo was submitted to show that such particular medicine was purchased and used by the complainant and the medicine was free from any contamination.

With reference to the prescription in which he prescribed the medicine Wetica DS, he claimed that before prescribing the medicine he consulted Dr Subrata Mukhopadhyay, who is attached to their hospital, over phone and after describing him the clinical condition of the patient, it was Dr. Mukhopadhyay who advised the eye drop and he only noted it down in the prescription.

The Commission also summoned Dr. Mukhopadhyay and he in presence of the complainant, vouchsaved that when he was contacted over phone by Mr. Palit and he advised that medicine and on his advice the same was noted in the prescription by Mr Palit. He further stated that medicine is a most preliminary medicine used for the treatment of conjunctivitis and that has no side effect and farless there is no study to show that use of such medicine might diminish the vision of a patient.

4. The complainant as well as Mr Subhodip Palit was heard at length. Their respective affidavits along with the annexure were considered carefully. Dr Subrata Mukhopadhyay also examined in presence of the complainant.

5. We find that the eye drop advised Wetica DS is an eye lubricant and from product literature we find that same has one of the side effect that may cause blurring of vision in very

exceptional cases and still it is widely used. It goes without saying that every medicine has its own side effect. But this is not one of such medicine where study reported that side effect is quite common and that may cause serious consequences. In the case at hand no cash memo has been produced that the complainant has purchased such medicine and actually used it. On the other hand, the Disha Eye Hospital where he finally treated, it was diagnosed that he was suffering from Viral Keratoconjunctivitis. But no material is forthcoming to show that at Disha Eye Hospital, it was found that a wrong medicine was prescribed and due to that the complainant's vision was reduced. Furthermore, on examination of the prescription we find Subhodip Palit never described him as a doctor far less as an ophthalmologist. In this regard, it is pertinent to note over the self same incident a complaint was lodged to the CMOH, Paschim Bardhaman and a full-fledged enquiry was held and it was found the allegation of the complainant, Mr Ravi Shankar Shaw was not true and baseless. From the enquiry report, it is further found that Mr Palit has been described as optometrist in the signboard and no material was found that he presented him to be an eye surgeon. Furthermore on examination of Dr Subrata Mukherjee we find that on his advice Mr Palit wrote down the medicine in the prescription.

6. Having regards to above we do not find any fault either on the part of the clinical establishment or Mr Palit. The complainant has failed to substantiate the charge which he has brought against the respondent.

Accordingly, this case fails and stands dismissed.

Sd/-

Justice Ashim Kumar Roy
Chairperson

Sd/-

Dr. Sukumar Mukherjee, Member.

Sd/-

Dr. Abhijit Chowdhury, Member.

Sd/-

Dr. Madhusudan Banerjee, Member.



Authenticated

A handwritten signature in black ink, appearing to be "W.B.C.E.R.C." with a flourish.

Secretary
W.B.C.E.R.C.
Kolkata-1