

Office of the West Bengal Clinical Establishment Regulatory Commission

1st Floor, 32 B.B.D Bag, West Bengal, Kolkata – 700001.

Phone:- (033) 2262-8447 , Email: wbcerc@wb.gov.in Website: www.wbcerc.gov.in

Case Reference: Appeal Case No 1

Royal Nursing Home & Diagnosotic Centre..... Complainant

vs

ADM (Health), Malda& Adjudicating Authority.....Respondent/
Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	02/07/2025	<p>This is an appeal from the order of closure of the nursing home passed by the ADM, Health, Malda.</p> <p>The issue emanated from a case of an unfortunate death of a 25 year old man who went to the nursing home on May 15, 2025 with the history of pain abdomen. He was advised admission and the concerned surgeon planned surgery for Cholecystectomy. Accordingly, the patient was admitted on May 16, 2025. The surgery was done on the very next day i.e, May</p>



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17, 2025. There had been post-surgical complication. He was ultimately transferred to the ICU however, the ICU was not at all adequate to serve the patient.

There had been series of irregularities found by various medical teams visiting the CE. The patient had a cardiac arrest and CPR was given. On May 19, 2025 medical team found the patient having a flat ECG line. The patient had rigidity and the body temperature was cold. In the presence of the said team the RMO declared the patient dead.

Surprisingly, the patient relatives were never taken in confidence in any of the stages that was found by the investigating team as recorded in the order. After the report was submitted the CMOH recommended for suspension and the matter was



heard by ADM, Malda. After giving hearing to the CE, the order of the closure was passed.

Being aggrieved by the order of closure the instant appeal was filed before us.

On receipt of the appeal we sent a team of experts for inspection. Accordingly Dr. M.L. Saha and Smt Madhabi Das both esteemed members of our Commission being assisted by our Assistant Secretary Shri Sougat Basu and Section Officer Shri Debesh Kr Roy, visited the CE and filed a detailed report. The observations are quoted below:-

- 1. "The ICU set up is grossly inadequate, poorly manned and hence cannot be recommended to continue to function unless the infrastructure is improved and adequate man power***



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is posted.

2. The laboratory facility is adequate and we feel, the laboratory service can resume.

3. The X-ray and USG unit should be manned by at least two technicians and they should be provided with radiation badge.

4. 21 appointment letters of nurses were placed before us but all showing appointment from 01.04.2025 to one year on contractual basis. Of these few are not signed properly. It is astonishing to note what was the nursing position before 01.04.2025. Even, one of the nurses has no Registration Number of State Nursing Council at all.

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District administration should ensure that these nurses are on regular payroll and they are doing their duty as per roster.

5. The In-door facility may open up with strict adherence to manpower placement in respect of RMO, Nurses and Group D staff.

6. The consultant surgeon, gynecologist etc should take care of the patient at pre operative, intra-operative and post-operative stage. Under no circumstances a surgeon should operate a patient without proper pre-operative evaluation.

After operation the surgeon also should take adequate post operative care till the discharge of the patient.



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7. CE has issued an appointment letter in the name of Dr. Enayet Shaik as Anesthetist on contractual basis. Dr. Enayet is working in West Bengal Health Service as Specialist Medical Officer in a non practicing post. Under no circumstance such appointment is tenable.

8. CE has to ensure service of qualified surgeon for providing optimal surgical care.

9. Doctors working in Government set up has to procure NOC from Health Administration to work in Private Health Establishment. CE should strictly follow this Government regulation”.

On perusal of the said report and in adherence

to the observations made by the visiting team for the time being we modify the order of closure by permitting the CE to start the Laboratory facility as well as X-ray and USG Unit provided, those are manned by at least two technicians with an appropriate radiation badge.

They would also be permitted to start OPD clinic.

The Learned Advocate, representing the appellant nursing Home would pray for opening of the nursing home for giving in-house facility to the patient.

We would consider such prayer once all the infirmities pointed out by our investigation team quoted above, are taken care of, proper inspection is made by the CMOH and a clearance is obtained from him.



Prayer for start in-house facility would be considered in the administrative side.

Coming back to the issue of unfortunate death we direct payment of Rs 5,00,000/- as compensation to the next to keen of the deceased Md. Sakirul Islam.

At this stage, Mr. Farid Sekh, the owner of the Nursing home, would pray for some relaxation.

We permit him to pay the said amount in two equal monthly instalments to be paid on July 20, 2025 and August 20, 2025.

The CMOH, Malda, is directed to oversee the process of transfer of the money to the actual next to keen of the patient.

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/-

Smt Madhabi Das – Member

Authenticated

[Signature]
Secretary
West Bengal Clinical Establishment
Regulatory Commission