

Office of the West Bengal Clinical Establishment Regulatory Commission

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Case Reference: WBCERC/MAL/35/2025-26

Present: Justice Ashim Kumar Banerjee (Retired), Chairman

Dr. Sukumar Mukherjee,

Dr. Makhan Lal Saha

Dr. Maitrayee Banerjee,

Smt. Madhabi Das.

Ms. Ruma SahaComplainant

- Versus-

Susama Tripathy Memorial Nursing Home, Malda

.....Respondent

Heard on: June 04, 2025.

Judgment on: July 16, 2025.

BACKDROP

Mrs. Ruma Saha a 33 years old female patient, mother of two daughters, was under regular check up of Dr. S Agarwala (Gynaecologist) since June 2023. On October 3, 2023 Dr. Agarwala advised her to take STM vaccine.

Mrs. Saha was admitted at the nursing home at Susama Tripathy Memorial Nursing Home, Malda on October 11, 2023 where she delivered a baby girl via LUCS at 3.03 pm. Soon after the delivery there had been post surgical complication and four units of blood were transfused. She was ultimately discharged on October 16, 2023.

COMPLAINT

On April 7, 2025 Mrs. Saha submitted a written complaint to the Additional District Magistrate (Health), Madla as against the concerned Gynaecologist to the effect, since she was under constant check up of Dr. Agarwala she was under the impression that the LUCS delivery would be done by her. However, she did not do so and the surgery was done by Dr. Rahul Chowdhury. Neither the patient nor the family members had any information about the same.

No consent was obtained for such LUCS delivery by Dr. Chowdhury. Subsequently, there had been difference of opinion between Dr. Agarwala and Dr. Chowdhury with regard to suture removal as well as the date of discharge. Dr. Agarwala suggested to come on October 20, 2023 however, Dr. Tripathy and Dr. Rahul Chowdhury issued the discharge certificate that asking her to come for suture removal on October 25, 2023.

During her stay at the nursing home she had problem with regard to catheterization that was not properly installed. She had problem for defecation and the nursing home authority used external method for forceful discharge. There had been other trifle issues.

RESPONSE

The nursing home authority gave their response through Dr. Jaydeep Tripathy vide mail dated May 26, 2025. The response would show medical negligence on the part of the gynaecologist. According to Dr. Tripathy, the OT begun at 3.20 pm but on exploration of Dr. Agarwala found that the uterus was perforated and it was adherent to the bladder. Dr. Tripathy was called at the OT. The patient vitals

started dropping. He immediately sought an alternate opinion from another gynaecologist who had fortunately on round at the nursing home. He came and examined the patient and found, it was a case of severe atonic uterus with severe PPH. Family members were immediately informed about the condition. Blood was arranged and transfused. Both the gynaecologists mutually agreed to do Obstetric Hysterectomy since the bleeding could not be controlled because of uterine atony.

Hysterectomy was done by taking the family members in confidence and the life of the patient could be saved. The curative surgery was successfully done by Dr. Rahul Chowdhury. Left Ovary was preserved. The patient relatives were duly counselled.

In regard to catheterization, according to Dr. Tripathy, since the patient started complaint about Burning Micturition the catheter was removed after consulting Dr. Chowdhury. The Nursing Home wanted to have a repeat USG to exclude the possibility of bladder injury while removing perforated uterus, however, the patient did not come to do the procedure.

RS

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HEARING

We have heard the complainant as well as Dr. Tripathy. Dr. Tripathy, is the Owner of the Nursing Home and also acts as Resident Medical Officer (R.M.O)

EXPERT OPINION

On our Request Dr. Runa Bal, HOD, Gynaecology, NRS Medical College and Hospital, Kolkata was present online as expert. Dr. Bal has shared her view with us that is extracted below:-

"Mrs Ruma Saha, 33yrs, female, wife of Gaurav Kumar was admitted to STM Nursing home, Malda on 11.10.23. She was a regular antenatal patient of Dr S Agarwala since June, 2023. She had undergone LUCS on 11.10.23. As per the allegation of the patient, Dr S Agarwala did not perform the Operation and Dr Rahul Chaudhuri did it. Dr Chaudhury intervened on an emergent situation as per the statement. It was LUCS followed by Obs Hysterectomy due to placenta previa and Severe PPH. The Operation ended in Obstetric Hysterectomy and the patient developed Vesico Rectal fistula later on.

Dr

Dr

As per the complaint, the Hysterectomy specimen was not shown to them. There was dilemma in discharge of the patient also.

She had series of operations later on in SSKM.

It is an uncommon complication of LUCS.

LUCS in a Post caesarean pregnancy with placenta previa, it should have been done with utmost caution and expertise."

OUR VIEW

The patient at the age of 33 years had already two children this was possibly the third issue when she delivered a girl child through LUCS. During surgery the patient had severe complication as indicated above with the pro-active conduct of the nursing authority through Dr. Tripathy the patient could be saved. Even if we accept the version of the complainant that the patient relatives did not want involvement of Dr. Chowdhury, the record would show, with the concerted efforts of Dr. Agarwala, Dr. Chowdhury and Dr. Tripathy the situation could be brought under control. Uncontrolled bleeding could be taken care of by transfusion of four units of blood products as also Hysterectomy successfully done by Dr. Chowdhury. The

patient life could be saved. Had there not been any immediate intervention we would have lost the patient.

CONCLUSION

We do not feel inclined to interfere in this case. The trifling issues raised by the patient are also not so germane compared to the situation narrated and discussed above during surgery.

The complaint thus fails and hereby disposed of without any interference.

Sd/-

(**ASHIM KUMAR BANERJEE**)

We agree,

Sd/-

Dr. Sukumar Mukherjee

Sd/-

Dr. Makhan Lal Saha

Sd/-

Dr. Maitrayee Banerjee

Sd/-

Smt. Madhabi Das

Authenticated

Secretary
West Bengal Clinical Establishment
Regulatory Commission