

**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: EMID/2017/000157.

Mr. Faruk MallikComplainant.

-versus-

Currae Eye Care.....Respondents.

Date of judgment: 7th March, 2018.

J U D G M E N T .

Going through the letter of complaint, we find that the entire allegation was directed and relief sought for is against the Dr. Subijoy Sinha, an Eye Surgeon.

2. As a matter of abundant caution, the allegation made therein is reproduced below:-

On June 13, 2017 at his workplace, the service recipient Mr. Idrish Mallik sustained an injury when an iron particle accidentally inserted on his left eye while he was running a machine. Immediately the service recipient rushed to Dr. Supriyo Dey of Kathi for primary treatment and he was informed by Dr. Dey that a surgical intervention is need for removal of the iron particle which has been inserted in his eye. Since, the surgical equipments were not available, Dr. Dey referred him to Dr. Subijoy Sinha at Kolkata. On the next day, i.e. on

14.06.2017 the service recipient went to Eye Care Hospital and met Dr. Subijoy Sinha. He was examined by Dr. Sinha, X-ray was done and finally taken to OT. However, Dr. Sinha without removing the iron particle stitched his injured eye and asked him to come after one day on June 16, 2017. Since his pain aggravated, he went to another doctor, Dr. Krishnendu Nandi on 16.06.2017. When Dr. Nandi examined him, disclosed that already his eye has become infected and, therefore, he will never regain his vision and his eye ball has to be removed. Dr. Nandi further opined that if the operation would have been done on June 14, 2017 then his vision and the eye could have been saved and due to the wrong treatment of Dr. Dey, he has lost his left eye. At once he met Dr. Subijoy Sinha and Dr. Sinha also opined no option is left except removal of the eye ball. Thereafter, he had been to Sankar Netralaya, Chennai where he underwent a surgical procedure involving Evisceration and Ball Implant on his left eye under General Anaesthesia by Dr. Jaydeep Avinash Walinjkar. The wrong and negligent treatment by Dr. Subijoy Sinha, the service recipient has suffered immense loss and lost his left eye. He prayed that Dr. Subijoy Sinha be proceeded with in accordance with law.

3. During the hearing of this application, Mr. Faruk Mallik appearing on behalf of the service recipient Mr. Idrish Mallik, in presence of Mr. Idrish Mallik reiterated what have been written in the said complaint and disclosed they have no grievance against the Clinical Establishment and the patient went directly to Dr. Subijoy Sinha as referred by Dr. Supriyo Dey.

4. Having regards to the fact that the allegation is one of medical negligence against a medical professional and, therefore, in terms of the first proviso to Section 38 (1) (ii) of the West Bengal Clinical Establishment (Registration, Regulation and Transparency) Act, 2017, the case is to be adjudicated by the respective State Medical Council with whom the doctor is registered and not by this Commission.

Accordingly, the Commission regrets its inability to entertain this case.

However it is made clear that the Commission has not gone into the merits of the case and it will be open to the complainant to approach the respective State Medical Council, if so advised.

Sd/-

Justice Ashim Kumar Roy
Chairperson.

Sd/-

Dr. Sukumar Mukherjee, Member.

Sd/-

Dr. Abhijit Chowdhury, Member.

Sd/-

Dr. Madhusudan Banerjee, Member.

Authenticated.



[Signature]
7/3/2018

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