

**Case Reference: KOL/2018/000342**

**Mrs. Rumela Das..... Complainant**

**vs**

**Behala Balananda Brahmachari Hospital,..... Respondent/ Respondents**

**ORDER SHEET**

Office Note	Order No.	Date	Order
	1.	01/08/2018	<p>The complainant was present in person. The representatives and the counsel of the Clinical Establishment are also present. Heard both the parties at length.</p> <p>The complainant, Mrs. Rumela Das was referred to surgical OPD at Behala Balananda Brahmachari Hospital by a private physician for pain abdomen. Dr. Dasgupta, Surgeon examined and made provisional diagnosis of ventral hernia at the junction incisional sites of previous appendicectomy and caesarian section. Doctor advised diagnostic laparoscopy and necessary surgery, if required. Laparoscopy showed presence of no hernia as such no surgery was done. Such facts were communicated to the patient and patient party. According to the patient, that she went back to the doctor complaining of pain at the site of the diagnostic laparoscopy. Doctor removed the stitches and found wound totally healthy. She was given pain killer for relief of her pain. The patient still complaints of pain at the site of the said laparoscopy and of negligence on the part of the doctor.</p> <p>The above allegations ex-facie, if at all, disclose a case of medical negligence by a medical practitioner, however, the second proviso to clause (iii) of sub-section (1) of Section 38 of the West Bengal Clinical Establishments (Registration, Regulation and Transparency) Act, 2017 statutorily restricts the Commission to deal with such a situation and the power is vested on the respective State Medical Council.</p> <p>The patient has already approached the West Bengal State Medical Council for appropriate relief and accordingly, the case No.C/47-2018 dated 18.04.2018 has been registered, notice issued and pending for hearing.</p> <p>Accordingly, this case stands closed and disposed of. We make it clear that we have not gone into the merits of the case.</p> <p>Sd/- The Hon'ble Chairperson</p> <p>Sd/- Dr. Gopal Krishna Dhali, Member</p> <p>Sd/- Dr. Madhusudan Banerjee, Member</p>

*Authenticated*  
*[Signature]*  
**ARSHAD HASAN WARSI**  
**WBCS (Ex)**  
**Secretary**  
**W. B. C. E. R. C.**