

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

Present: Justice Ashim Kumar Roy, Chairperson.

Dr. Makhan Lal Saha, Member.

Dr. Maitrayee Banerjee, Member.

COMPLAINT ID: KOL/2018/000397.

Mr. Jayanta Chowdhury.....Complainant.

-versus-

G.D. Hospital & Diabetes Institute & others.....Respondents.

Date of judgment: 22nd November, 2018.

J U D G M E N T.

According to the letter of complaint, his son was suffering from diabetes and fatty liver and for his treatment, on 03.05.2018, in the morning at around 9.30 am he got an appointment of Dr. Sujoy Majumder from G.D. Hospital and Diabetes Institution, Lenin Sarani on payment of his consultation fees in advance. Accordingly, the complainant who is a Senior Class-I Central Government Gazetted Officer, being the Deputy Director of GPO, leaving his job, had been to G.D. Hospital with his son around 2 pm. Dr. Majumder used to attend his chamber around 3 pm. Since nobody informed him whether Dr. Majumder has come or not, he became tensed and pushed the door of the chamber slightly to confirm whether the doctor was inside. At that time, Dr. Majumder became furious and insulted him by uttering unparliamentary language.

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Although the consultation fees was paid in advance, Dr. Majumder refused to treat his son and on the invoice slip gave a note "*Refund Fess, no patient consult.*" It was his further case that he is not only a senior central government gazetted officer and an elderly man aged about 59 years, he never expected such rude behavior from a doctor who supposed to treat his son professionally. It is claimed that the necessary legal action be taken against Dr. Majumder.

2. In connection with this case, Dr. Majumder submitted his reply. In his reply Dr. Majumder categorically denied all the allegations made against him. According to him, at the time of the occurrence, he was busy in examining one of his patient inside his chamber and the patient was in an exposed state. However, the complainant without even knocking the door barged into his chamber. Neither the complainant was known to him nor he was aware about the position he was holding. It was a great surprise to him, somebody should enter a doctor's chamber when the doctor was actually busy in examining a patient. When he came out from his chamber and tried to enquire why without permission, the complainant has entered his chamber more particularly when he was examining his patient. However, the complainant took an alibi that he was just trying to ascertain whether the doctor has arrived or not. At this he told the complainant that he should have enquired it from the reception without forcibly entering into his chamber but the complainant became very rude and started arguing with him using unparliamentary language. Then finding no alternative, he asked the complainant to get his son treated by any other better doctor than an ordinary doctor like him. Still, he could not appease the complainant and the complainant was going on shouting at him. Thereafter he came to learn from the staffs that he also misbehaved with them.

3. Having heard both the parties, we find that the primary premises of discontent of complainant was, delayed arrival of the doctor and non-availability of the any staff at the helpdesk. It is his further case and without having any information from the helpdesk when he tried to ascertain whether doctor has arrived or not and slightly pushed his chamber, he was insulted by the doctor and the doctor concerned refused to treat his son although consultation was paid in advance. On the other hand, it is the case of the doctor that while he was examining a patient in exposed condition without any permission, even knocking the door the complainant entered his chamber to which he very rightly took an exception. It is the further case of the doctor when he tried to convince the complainant that it is absolutely wrong to enter into the chamber of a doctor without permission and more particularly when the doctor was examining a patient, however, the complainant without appreciating the same, started shouting and misbehaved with him, referring that he is a Senior Class I Gazetted Officer. It was his further case that before such incident, the complainant misbehaved with the staff of the center referring his position. Therefore, there is claim and counter claim by the parties to justify their stand. In any event, a public servant, even if he is a Class I Central Govt. Gazetted Officer, cannot claim any priority in treatment unless the condition of the patient justify the same. We do not appreciate that while a doctor examining a patient inside his chamber, no patient party in the queue without prior permission, can enter the doctor's chamber. The complainant entered into the chamber of the doctor without permission, has not been disputed by him. On the other hand, the Clinical Establishment also has a duty to make availability of staff in the helpdesk to response to the query of the patient party who had been to their clinic for professional advice and to ensure that while the doctor is examining a patient, none should

enter his chamber. However, we do not find the background facts of the case, constitutes any deficiency in patient care service on the part of the Clinical Establishment, which may justify any penal action. However, if the complainant still is of the view that the approach of the doctor was not commensurate with the medical practice and an unethical act, he may have approach the State Medical Council for necessary action, if so advised.

4. With the above observation, this case stands closed and disposed of.

Sd/-

Justice Ashim Kumar Roy
Chairperson.

Sd/-

Dr. Makhan Lal Saha, Member.

Sd/-

Dr. Maitrayee Banerjee, Member.

Authenticated

22/11/2018
ARSHAD HASAN WARSI
WBCS (Ex)
Secretary
W. B. C. E. R. C.