

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

**Present: Justice Ashim Kumar Roy, Chairperson.**

**Dr. Sukumar Mukherjee, Member.**

**Dr. Madhusudan Banerjee, Member.**

**Dr. Makhan Lal Saha, Member.**

**COMPLAINT ID: KOL/2018/000363.**

**Mr. Kausar Ali.....Complainant.**

**-versus-**

**Peerless Hospital & Research Center .....Respondents.**

**Date of judgment: 18<sup>th</sup> December, 2018.**

**J U D G M E N T .**

The daughter of the complainant, aged about 4 years, was admitted at Peerless Hospital and was treated there for the first time from March 24, 2018 to March 31, 2018 and for the second time from April 6, 2018 to April 10, 2018. On 10.04.2018, the baby died. The complainant now has approached this Commission with the allegation of negligence in treatment on the part of the doctor Dr. Papiya Khawash, Consultant Pediatrician and deficiency in patient care service on the part of the Clinical Establishment, Peerless Hospitex Hospital and Research Centre.

After filing of letter of complaint, the complainant submitted his complaint in form of affidavit. The hospital Peerless has also submitted their reply that too in the form of affidavit as also the doctor concern and they denied all the allegations made against them.

2. The parties were heard at length and their affidavits were perused and considered. The doctor members of the Commission have actively participated in the deliberation and enriched the decision with their valuable opinion.

3. On perusal of the record, we find that female child of the complainant, aged about 4 years was admitted at Peerless Hospital under Dr. Papiya Khawas, Consultant Pediatrician on two occasions, firstly, from 24.3.2018 to 31.3.2018 and secondly from 6.4.2018 to 10.4.2018.

First admission 24.3.2018 to 31.3.2018,

A diagnosis was based on clinical profile of fever, cough since 22.3.2018 and admitted with seizures. She had cervical lymphadenopathy.

An working diagnosis of central nervous system infection as Viral meningitis CSF study shows cell count of 23 cells/cumm with lymphocytosis. Blood count was normal. She was found to be negative to Dengue and malaria. CxR was normal, MT negative and MRI brain normal. Based on these tests she was being treated with antibiotics-ceftriaxone, Amikacin and IV Acyclovir. EBV Igm antibodies was negative. There was some clinical improvement and the patient was conscious. Discharged on 31.4.2018 in satisfactory state. She had consultation with Neurologist Dr.Ashish Das and Dr. K. Halder for ENT during her stay in hospital as well for the plan of treatment.

Second Admission 6.4.2018 to 10.4.2018,

She had recurrence of fever, cough on 4.4.2018. Readmitted at Peerless Hospital under Dr. Khawas as per advice. Investigated again with repeat blood count, CSF study, MRI brain (second time). Again repeated with IV antibiotics, Acyclovir in consultation with Neurologist Dr. Ashish Das. Progressively deteriorated in spite of best efforts.

MRI brain second time shows extensive white matter disease with altered signal intensity in the bilateral supratentorial, ventricular, periventricular, also extending to thalamas, mid brain and cerebellum suggesting diffuse leukodystrophy or acute leukoencephalopathy with vanishing white matter syndrome which was considered rare in occurrence. The definitive treatment of such rare disease in not rewarding.

There were preterminal hyperglycaemia and hepernatremia. Ultimately the child died of cardiac arrest despite adequate resuscitation in ICU.

There were adequate counseling and information to the parents about the severity of disease and critical status of the child on 10.04.2018 in the evening.

Having regards to above, we find that there was adequate medical management in an uncommon disease where the patient was suffering from Viral Encephalitis. On careful scrutiny of the progress note, we do not find any lapse in the patient care service. Accordingly, this case stands dismissed and thus disposed off.

Sd/-

Justice Ashim Kumar Roy  
Chairperson

Sd/-


Dr. Sukumar Mukherjee, Member.

Sd/-

Dr. Makhan Lal Saha, Member.

Sd/-

Dr. Madhusudan Banerjee, Member.

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