

Office of the West Bengal Clinical Establishment Regulatory Commission  
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**Case Reference:NPG/2019/000584/000585**

**Nabanita Mukherjee ..... Complainant**

**vs**

**Narayana Multispeciality Hospital (unit of Narayan Hrudayalaya Ltd.)..... Respondent/  
Respondents**

**ORDER SHEET**

Office Note	Order No.	Date	Order
	1.	22/08/2019	<p>The complaint would reveal, the patient was admitted in the clinical establishment with a complaint of breathlessness for about six days. She was admitted in ICU. She was discharged under DAMA on the sixth day. The complainant would allege on the very next day on the second admission in another establishment she was diagnosed Swine Flu which could have been diagnosed at the clinical establishment had an appropriate test been done at the appropriate time. She would also allege, the patient party did not know the treating doctor or had any relation with him. They approached the clinical establishment and got the patient admitted. Hence the Hospital Authority must be responsible for such negligence.</p> <p>We requested Dr. Soumitra Ghosh, Prof. IPGMER, Head of the Department, Medicine to assist us in this matter. Dr. Ghosh has</p>



examined the medical record. According to him, upto now the record would not reveal any deficiency on the part of the clinical establishment. The principal allegation of the complainant would relate to the fact that the Swine Flu could have been detected if they had the pathological test done at the appropriate time. The clinical establishment would contend, they relied on the advice of the treating doctor who did not prescribe such test while the patient was under their treatment.

Whether the decision of the treating doctor not to prescribe such test is an error of judgement or a negligence, could only be determined by the West Bengal Medical Council, being the appropriate forum. Unless and until such decision is arrived we would not be in a position to deal with the issue of deficiency, if any, on the part of the clinical establishment.

We grant liberty to the complainant to approach the West Bengal Medical Council for the redressal of her grievance and if occasion so arises she may be at liberty to approach us again. In the mean time records pertinent to the case, may be sent to the West Bengal Medical Council for their adjudication.

The complaint is disposed of.

Sd/-

Hon'ble Chairperson

Sd/-

Dr. Madhusudan Banerjee, Member

*Authentic*

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ARSHAD HASAN WARSI  
WBCE (Ex)  
Secretary  
West Bengal Clinical Establishment  
&  
Regulatory Commission  
Joint Secretary  
Health & F.W. Department