

Office of the West Bengal Clinical Establishment Regulatory Commission  
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Case Reference: NAD/2018/000477

Mr. Bijan Chakraborty..... Complainants

vs

Fortis Hospital Limited.....Respondent/ Respondents

**ORDER SHEET**

Office Note	Order No.	Date	Order
	1..	28/11 /2019	<p>The complaint would relate to medical negligence for which the complainant has already approached the West Bengal Medical Council. However, on the last occasion we found, the OT note was interpolated by someone by penning through the observation of Dr. Manish Mukul Ghosh, the concerned plastic surgeon. Dr. Ghosh was present before us, so was Dr. Gopala Krishnan the lead surgeon. None of them could throw any light on the issue as to who had interpolated the OT note. We asked Hospital Authority to make an investigation and submit an affidavit therefor.</p> <p>Accordingly the matter is fixed today after filing affidavit. Mr. Rajat Agarwal, the Finance Head of Fortis Hospital Ltd has filed an affidavit. Paragraph 4 of the affidavit is quoted below:</p> <p><i>"I state that Dr. Manish Mukul Ghosh, MS, MD, FRCS (Plastic Surgery) is a Consultant Plastic Surgeon who was involved with Dr. Raj Kalyan Gopalakrishna, Consultant Urologist and Laparoscopic surgeon, in operation theatre on 09.08.2018. Both the surgeons operated the patient on that day. The chronological sequence of events mandated that the urology notes of the operation done by Dr. Gopalakrishna be put first followed by the plastic surgery notes</i></p>



*of Dr. Ghosh. However, since the urologist was first to go in and last to come out of the OT, before Dr. Gopalakrishna's team could complete his procedure and write down the notes, Dr. M.M.Ghosh who had completed to procedure before Dr. Gopalakrishna, wrote down his notes in the progress notes at page 61 and 62 of the medical records. The assisting surgeon, Dr. Kumar Gaurav, thinking that it was chronologically not correct, struck off the plastic surgeon notes and wrote down the Urology notes and also included few lines about the plastic surgery procedure. However, it is pertinent to mention that the intent was not to hide any fact but to have the plastic surgery notes visible even though the same was struck off. This is done in good faith and not to conceal any material fact. The same was done as per protocol and without any malice or wrongdoing."*

From the paragraph quoted supra, it would appear, the entire blame was shifted to one Dr. Kumar Gourav who was absent on the last occasion as well as today. Dr. Namita Mittal, the Deputy Medical Superintendent of the Clinical Establishment would submit, Dr. Gourav penned through the observation recorded by Dr. Ghosh only to maintain the sequence. He did it at the instruction of Dr. Gopala Krishna.

We are sorry to say, such statement was totally contrary to the submissions made on the last occasion. Dr. Gopala Krishna and Dr. Ghosh were both present before us. They expressed their ignorance about such "penning through". Dr. Mittal would contend, it would not change the situation. There was nothing to hide and the Hospital Authority did not do it purposely. Even if we give full credence to what Dr. Mittal would say, we do not get any plausible answer as to why the Clinical Establishment would

take a complete different stand today and that too, in absence of Dr. Gourav, who does not come before us owning the responsibility of "penning through".

This incident is very serious. We take strong exception and impose a penalty of Rs. 20, 000/- on the Hospital Authority. They must pay the penalty to the complainant within a period of two weeks from date.

Coming back to the core issue, we would feel, we should wait for the decision of the West Bengal Medical council. We permit the complainant to proceed with the complaint before the West Bengal Medical Council and approach us again if any suitable result in their favour is achieved from the West Bengal Medical Council.

With the above observation, we dispose of the complaint.

Sd/-

The Hon'ble Chairperson

Sd/-

Prof. (Dr.) Sukumar Mukherjee – Member

Sd/-

Prof. (Dr.) Madhusudan Banerjee – Member

Sd/-

Dr. Maitrayee Banerjee – Member

Sd/-

Sri S. K. Thade, IAS – Member

*Authenticated*  
*[Signature]*

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