

Office of the West Bengal Clinical Establishment Regulatory Commission

1<sup>st</sup> Floor, 32 B.B.D Bag, West Bengal, Kolkata – 700001.

Phone:- (033) 2262-8447 , Email: [wbcerc@wb.gov.in](mailto:wbcerc@wb.gov.in) Website: [www.wbcerc.gov.in](http://www.wbcerc.gov.in)

**Case Reference: INT/NPG/2022/179**

Ms. Atashi Chakraborty ..... Complainant

vs

Spandan Hospital ..... Respondent/ Respondents

**ORDER SHEET**

Office Note	Order No.	Date	Order
	1.	23/09/2022	<p>This complaint would relate to an orthopaedic post surgical complication. The complainant suffered a road traffic accident. She was taken to a nearby hospital where they lacked infrastructure hence, she was sent to the present CE. She was introduced to Dr. Deep Chakraborty, concerned orthopaedic surgeon who did the surgery. After the surgery, the patient was discharged. She was having immense pain on her knee when she was informed, it was post surgical effect and would gradually reduce. Her pain still subsists even after nine months of surgery.</p> <p>The CE would contend, the concerned orthopaedic surgeon is a visiting consultant. The patient was</p>



		<p>introduced by one Mr. Jathua, Assistant to the concerned orthopaedic surgeon. The CE is not responsible for selection of the surgeon. Hence, they do not have any responsibility.</p>
--	--	--

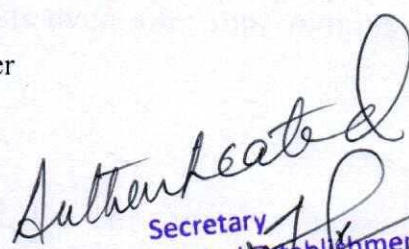
We have heard the complaint in detail. She is empathic on the issue, she was taken by the police to the nearby hospital wherefrom she was wheeled to the present CE. She did not know Dr. Deep Chakraborty or Mr. Jathua. She had no knowledge as to who referred the concerned hospital or the doctor.

We give full credence to what the complainant would say.

The complainant suffered an accident. She was admitted at the CE by the police administration. The patient was operated at the present CE by an orthopaedic surgeon who was a regular visiting consultant and does OPD on regular basis.

We feel, neither the orthopaedic surgeon nor the CE can avoid their responsibility.



			<p>The concerned doctor is beyond our reach as medical negligence is outside our domain.</p> <p>We grant liberty to the complainant to approach the appropriate forum for the same.</p> <p>In case she is successful therein she would be at liberty to approach us afresh as against the CE.</p> <p>The foregoing order would however, not preclude the concerned CE to take onerous responsibility to have the patient reviewed by the concerned orthopaedic surgeon and / or any other orthopaedic surgeon to get her discomfort removed.</p> <p>The complaint is disposed of.</p> <p>Sd/- The Hon'ble Chairperson</p> <p>Sd/- Prof. (Dr.) Sukumar Mukherjee – Member</p> <p>Sd/- Dr. Maitrayee Banerjee – Member</p> <p>Sd/- Smt Madhabi Das – Member</p> <p style="text-align: right;">   <b>Secretary</b>  <b>West Bengal Clinical Establishments</b>  <b>Regulatory Commission</b> </p>
--	--	--	--