

Office of the West Bengal Clinical Establishment Regulatory Commission  
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**Case Reference: INT/KOL/2023/047**

Mr. Birakishore Barik ..... Complainant

vs

Baine Hospital & Medica Superspeciality Hospital..... Respondent/  
Respondents

**ORDER SHEET**

Office Note	Order No.	Date	Order
	1.	13/04/2023	<p>The complaint would relate to medical negligence as well as hospital negligence.</p> <p>We have heard the complainant at length.</p> <p>It is most unfortunate that the victim, a twenty years old young girl, died without having proper diagnosis as claimed by the complainant in his application. Complainant would pray for fixing of the responsibility of the doctor as well as hospital. According to him, the doctors are employed by the hospital hence, hospital would be responsible for the same.</p> <p>This Commission is to enquire the deficiency of hospital service. The medical part is clearly outside our</p>

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02.05.23

domain. The learned advocate assisting the complainant would however, insist, we should proceed to hear the complainant even if there is no fixation of the responsibility by the appropriate authority with regard to medical negligence.

He wants to rely upon further documents to substantiate his grievance as against the CE. We permit him to do so.

We feel, interest of justice would be sub-served, if the complainant would approach us afresh after he becomes successful before the appropriate authority on the medical negligence.

In case he would desire to proceed as against the CE independent of the medical negligence he would also be at liberty to do so by making a clear declaration that he would be proceeding against the CE without touching upon the treatment protocol.

The complaint is disposed of accordingly.



Sd/-

The Hon'ble Chairperson

Sd/-

Prof. (Dr.) Sukumar Mukherjee – Member

Sd/-

Prof. (Dr.) Makhan Lal Saha – Member

Sd/-

Dr. Maitrayee Banerjee – Member

Sd/-

Sri. Sutirtha Bhattacharya, IAS (Retd)- Member

Sd/-

Smt Madhabi Das – Member

*Authenticated*  
  
Secretary  
West Bengal Clinical Establishment  
Regulatory Commission