

NO. MCI-211(2)/2012-Ethics/

**MEDICAL COUNCIL OF INDIA
SECTOR-VIII, POCKET- 14,
DWARKA, NEW DELHI.**

Minutes of the meeting of the Ethics Committee held on 27th October, 2012 at 09:00 A.M. in the Council Office, Sector - 8, Pocket- 14, Dwarka, N.Delhi - 77.

Present in the meeting:

1.	Prof. Sneh Bhargava	Chairperson
2.	Dr. Y.K. Gupta	Member
3.	Dr. (Prof.) Chander Shekhar Shetty	Member
4.	Dr. Atul Sood	Member
5.	Dr. B.G. Tilak	Member
6.	Dr. G.K. Sharma	Member
7.	Sh. Amit Bansal (Advocate)	Member
	Dr. P.Prasannaraj	Addl. Secretary, MCI
	Dr.M.Rajalakshmi	Consultant

Leave of absence were received from following members, Ethics Committee: Dr. Raja Babu Panwar, Dr. V. Sakhuja, Dr. Sanjay Gupte, & Dr. Kumudini Sharma, Dr. Rama V. Baru, Dr. Arun Dhal & Dr. Sangeeta B. Desai.

1. Minutes of the last meeting of the Ethics Committee- Confirmation of.

The minutes of the meeting of Ethics Committee held on 22.09.2012 were read and confirmed.

2. Action taken on the previous minutes presented before the Ethics Committee on 21.08.2012.

The Ethics Committee noted action taken on the minutes of the Ethics Committee held on 21.08.2012.

3. RC 34(A)/2010 of CBI, ACB, Chennai - MCI case - Charge sheet (against Shri M.K. Rajagopalan, Chairman, Sri Balaji Educational & Charitable Public Trust, Chennai and Dr. D.R. Gunasekaran, Vice Chancellor, Sri Balaji Vidyapeeth, Deemed University, Pondicherry.

The Ethics Committee considered the agenda note and directed the Council to write to the CBI authorities at Chennai, to provide documentary and other evidences including statement(s) recorded by them in support of its allegations against the 26 doctors who were found not to be working as full time faculty at Sri Sathya Sai Medical College & Research Institute so that the Medical Council

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of India can proceed further in the above matter. The Committee further directed the Council office to write to Chennai Port Trust Hospital to provide appointment orders with their service records pertaining to (i) Dr. V.A. Gunasekaran (Medicine Department) (ii) Dr. V. Devanathan, (Radiology Department) & (iii) Dr. D. Saravanan, (Anaesthesia Department), who were also found by CBI to be employees of the above mentioned college. The Ethics Committee directed the office to also submit all the MCI assessment reports of the said college following assessments conducted after 17.02.2010 and provide the details of the above mentioned faculty if shown during assessments.

4. Appeal against order dated 28.09.2010 passed by Delhi Medical Council made by Mr. Narinder Kumar (F.No. 839/2010).

The Ethics Committee considered the appeal filed by Mr. Narinder Kumar against the order dated 28.09.2010 passed by Delhi Medical Council and after deliberating on the matter in detail, the Committee decided that both the parties i.e. complainant - Mr. Narinder Kumar as well as the respondent Dr. Poonam Gupta, Kesar Hospital be called for personal hearing in subsequent meeting along with the relevant records pertaining to the case. The complete records of the case may also be called from Delhi Medical Council.

5. Appeal against order dated 02.06.2011 passed by Karnataka Medical Council filed by Sh. Pankaj Rai (F. No. 102/2011).

The Ethics Committee considered the appeal filed by Sh. Pankaj Rai against the order dated 02.06.2011 passed by Karnataka Medical Council and after deliberating on the matter at length, the Committee is of the view that in this case the treating surgeon namely Dr. Ramcharan Thiagarajan, Fortis Hospital, Bangalore operated in the hospital which was not possessing valid permission issued by Competent Authority for conducting the surgery for pancreas transplant and failed to take proper informed consent for the entire procedure of kidney and pancreas transplant surgery. Therefore, the Ethics Committee found that Dr. Ram Charan Thiagarajan had violated the Indian Medical Council Regulations, especially Clause 7.16 and the hospital authorities were found to be working illegally as they could not prevent pancreatic transplant surgery in their hospital, as they did not possess any valid permission to do so.

In view of the above, the Committee decided to impose the following punishment:

The name of Dr. Ram Charan Thiagarajan be struck of from the Indian Medical Register as well as from the Register of State Medical Council for a period of **One (01) Year**.

The Fortis hospital is found to have performed pancreatic transplant surgery without valid permission from the competent authority. The Govt. of Karnataka (Principal Secretary, Health and Family Welfare) is requested to take suitable action against the hospital management for conducting pancreatic transplant surgery without valid permission to do so.

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6. **Appeal against order dated 26.10.2007 passed by Rajasthan Medical Council filed by Mr. Ajeet Singh Singhvi.(F.No. 277/2007)**

The Ethics Committee considered the appeal filed by Sh. Ajeet Singh Singhvi against the order dated 26.10.2007 passed by Rajasthan Medical Council and after deliberating on the matter in detail, the Committee is of the view that Dr. T.C. Sadasukhi, concerned operating surgeon, is guilty of following lapses on his part while conducting surgery on late Mrs. Jatan Kanwar Singhvi:-

1. No proper informed consent was taken.
2. Inadequate investigation and assessment of the patient required to arrive at appropriate diagnosis. Moreover, an appropriate ultrasound guided procedure could have been performed for the aspiration of peri-nephric cyst for better precision.

In view of above, the Committee has come to the conclusion that the operating surgeon namely Dr. T. C. Sadasukhi has violated the Indian Medical Council Regulations, Clause 7.16 and the Committee decided to impose the following punishment on him:

"The name of Dr. T. C. Sadasukhi be struck of from the Indian Medical Register as well as from the Register of Rajasthan State Medical Council for a period of Eighteen (18) Months."

7. **Complaint against Dr. Rakesh Varma, HOD , Cardiology, Safdarjung Hospital, New Delhi- Review of recommendations of Ethics Committee of Medical Council of India. (F.No. 396/2009).**

The Ethics Committee considered the matter and heard Dr. Rakesh Verma, HOD, Cardiology, Safdarjung Hospital, Delhi. After going through the entire records and detailed deliberations, the Ethics Committee noted that more than 17 months had been lapsed already since the order to suspend had been communicated to Dr. Rakesh Verma vide letter dated 15.05.2011 and till date no charge sheet had been filed by CBI. Therefore, the Ethics Committee decided to revoke the suspension order under section 8.3 of IMC regulations 2002.

8. **Appeal against order dated 06.09.2011 passed by Karnataka Medical Council made by Ch. Shankaraiah against Dr. Kiran J. (F.No. 535/2011).**

The Committee perused the papers and was of the view that this item required detailed discussion, hence, deferred to next meeting.

9. **Violation of "Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002" - Reg. (Sh. Brinda Karat, Member, Polit Bureau, CPI(M), Former Member, Rajya Sabha) (F.No. 615/2011)**

The Committee perused the papers and was of the view that this item required detailed discussion, hence, deferred to next meeting.

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10. Newspaper coverage regarding treatment provided by the sweeper & ward boys to injured patient at Bulandshahr's District Hospital, Uttar Pradesh (F.No. 80/2012)

The Committee perused the papers and was of the view that this item required detailed discussion, hence, deferred to next meeting.

11. Complaint against Dr. Surender Pratap Singh working in Pushpanjali Medical Centre under Dr. Vinay Kumar Aggarwal as alleged by Dr. Pankaj Singhal, Dr. M.C. Guptra & Dr. Babu K.V. (F.No. 463/2011)

The Committee perused the papers and was of the view that this item required detailed discussion, hence, deferred to next meeting.

12. Appeal by Dr. Kunal Shah against Dr. Ketan Desai-Reg. (F.No. 190/2010)

The Committee perused the papers and was of the view that this item required detailed discussion, hence, deferred to next meeting.

13. Complaint against various doctors of Melmaruvathur Adiparasakthi Institute of Medical Sciences, Melmaruvathur, Tamil Nadu giving false and misleading information regarding their working as full time faculty as alleged by CBI Case in RC.25(A)/2010 of ACB, Chennai.

The committee noted that the following doctors could not be contacted/ regretted to attend the hearing scheduled on 21.08.2012 and decided to provide them one more opportunity to attend the Ethics Committee Meeting for hearing subsequently on 27.10.2012 in the matter of false and misleading information provided by various doctors working as faculty as alleged by CBI Case in RC.25(A)/2010 of ACB, Chennai.

Sl. No.	F.No.	Name of Doctors	Designation and Department	Reasons
1	05	Dr.K.Jagadeesh	Sr. Resident, Department of Medicine	Wanted TA/DA from MCI
2	31	Dr.T.Manjunath	Professor, Deptt. Of Orthopedics	He was Out of station on 21.08.2012
3	15	Dr. Chandan Jadhav. N	Sr. Resident, Department of General Surgery	Not traceable
4	17	Dr. C.V.P.K.B.H. Subrahmanyeswara Rao	Associate Professor Department of General Surgery	Not traceable
5	07	Dr. Sarath Chandra Shah	Associate Professor, Department of Radiology	Appeared on next meeting
6	30	Dr.Dhanumjaya Rao	Asst. Professor, Department of TB & Chest	Not traceable
7	12	Dr.JayaPrabhu	Senior Resident in Department of Surgery	Regretted

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Dr.K.Jagadeesh sent an email that he was out of station for higher studies and would be able to present before the Ethics Committee any time after January,2013. The Committee considered the matter and decided to provide final opportunity for hearing on 20.11.2012 to Dr. K.Jagadeesh failing which ex-parte decision will be taken.

Dr. T. Manjunath age 63 year R/o H.No.784, Mallige Cross, Roopnagar, Maratikyathanahalli, Post, Mysore-570026 was represented by Mr. C.B. Gururaj, Advocate R/o 11E, Pocket-III, Mayur Vihar-I, New Delhi - 91 filed wakalatnama on behalf of Dr. T. Manjunath. He stated that the documents (declaration form) provided by the MCI was of very poor print and not legible. Therefore, his client could not prepare himself and/or present before Ethics Committee. However, he requested the Council to provide him a legible copy of the declaration form and provide 04 weeks time to send the reply. In view of the above, the Ethics Committee directed the Council to provide the necessary documents of good print to Mr. Gururaj, Advocate, so that proper opportunity was given to him to reply to the notice issued. Mr. Gururaj would be provided with the documents requested. He ensured that Dr. T.Manjunath would be present before the next meeting of the Ethics Committee scheduled on 20.11.2012 at 11:00 AM.

Dr. Chandan Jadhaav and Dr. C.V.P.K.B.H. Subrahmanyeswara Rao did not appear before the Ethics Committee on 21.08.2012 and 27.10.2012 despite providing them opportunities on two occasions with adequate notice. The Ethics Committee directed the Council to request the concerned State Medical Council to provide their assistance in tracing their current address and also to communicate to the said doctors registered with them that a final opportunity for hearing on 20.11.12 is provided to them, failing which ex-parte decision would be taken. A notice be uploaded on the MCI & State Council's website, informing the said doctors that they have been provided a final opportunity to present for hearing before the Ethics Committee on 20.11.2012. The assistance of the concerned Police authorities may be sought to trace the where about of the above mentioned doctors and to communicate to avail the opportunity to be present for hearing before the Ethics Committee within the next two meetings.

The matter of following doctors who appeared before the Ethics Committee was taken up as under:-

Dr. Sarath Chandra Shah (Sl. No. 07)

Statement submitted by CBI

"Statement of Dr. Sarath Chandra Shah, (shown during MCI inspection as Associate Professor) S/o Shri Rasik Lal Zaverchand Shah, aged about 59 yrs., Clinic at No. 2/7, Tagore Park, Nehru Nagar Park Road, Satellite Road, Ahmedabad- 15, Residing No.1, Saran Kirupa Society, Part-I, Satellite Road, Ahmedabad - 15, Phone # 09825063230, 079-26743910 (R).

I am as above. I am practicing at the above address since last 25 years. I passed my MBBS from Calcutta University in the year 1979. Following this, I did my PG from N.H.L. Medical College, Ahmedabad in the year 1983. I started practising in Ahmedabad with above address. I had opened a second clinic at No.7B, Medicare, (Behind MG Library), Ahmedabad - 06 around 1985 or so. But, it was closed around a year back due to personal reasons. I worked during the period 1986 to 1990 in Swamy Pramukh Medical College, Anand.

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Some time in October 2008, I met Dr. Anabelle Rajasekaran, who was a Professor in Pharmacology in Melmaruvathur Adhiparashakti Institute of Medical Sciences and Research, Tamilnadu in a Drug Information Association conference at Powai, Munnbal. During the said meeting, she asked me, whether I was interested in joining her college as a faculty member. She told me that I have to attend the College only as and when required by the college officials. I agreed to the proposal since I thought I would that if the college was good I would get a permanent job there. Accordingly, some time in February 2009, I was contacted over phone by Dr. Anabelle and asked me to come and join. I confirmed my visit. She informed me that, I should pay for my air ticket which would be reimbursed to me at the college. She also told me to take a pre-paid Taxi from the Airport to Melmaruvathur which would also be reimbursed. Accordingly, some time in the 3rd week of March 2009, I was called to Chennai, where I went on the next day and reached there at 11 PM. I had gone there with my papers which was shown to the college officials, who scrutinised them and I was given appointment on the same day.

During that evening, I was introduced to Shri Ramabadran, an official of the college administration by Dr. Anabelle. Since on that day, it was found that no inspection would take place, I returned to Ahmedabad on the same day. Around a month after this, I was asked to come over to the college by Dr. Anabelle. I reached the College around 1100 PM. I stayed for about three days, during which time, the inspection took place on 30th April 2009. My papers were scrutinised by the MCI team and my identity was confirmed by them. They did not tell me anything about permanent employment, even though I enquired about the same. I was paid Rs. 4 lakhs in cash by Shri Ramabadran in the College Administrative Office. After the Inspection was over, I took a taxi, came to Chennai and from there to Ahmedabad.

After this, I was called to come over to the college by Shri Ramabadran only in March 2010. On 22nd or so of March 2010, I had gone there and stayed for two days in the "round building" in the college campus but no inspection took place that week. I left for Ahmedabad, since I could not wait for more days. Dr. Vijay of Bangalore who was also a Radiologist was present on those days and was staying in the adjacent rooms. I was paid for the air ticket for to & fro journeys.

A few days later, on 28.03.2010, I was called by Shri Ramabadran again and was asked to come over for attending the MCI Inspection, which was to be held shortly. My air ticket details to Chennai was sent by SMS. I reached there on 28.03.2010 and from Chennai I took a prepaid Taxi to Melmaruvathur. On the next day i.e. 29.03.2010, the MCI Inspection took place. The doctors were physically verified by the MCI Inspectors. On 29.03.2010, after the inspection was over, I was paid Rs. 5.40 lakhs by Shri Ramabadran in the "Round Building". I left that day evening for Ahmedabad with a ticket arranged by the College. This time also, I met Dr, Vijay of Bangalore.

I am shown my Declaration form given to the MCI dated 04.03.2010. This has been signed by me and I confirm that the contents of the same are correct except the fact that I was not an Associate Professor of the College and in fact, I have not worked In the College at all. The entries in the said form are not in my handwriting.

I am shown the Appointment Order and Joining report dated 29.02.2009. Even though, it is shown that Quarters was allotted to me, I have never visited or stayed there. I confirm that the papers which are related to my employment and the joining report was signed by me. I am yet to pay the tax returns.

I did not resign from the college as such. Later, they had sent me the relieving order. I am shown the voucher dtd. 07.04.2010 for Rs. 45,000/- for the month of March 2010. However, this voucher is among those collected from me by Shri Ramabadran at Ahmedabad during July, 2010, saying that these were taken for the purpose of showing in their Income Tax returns.

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On being asked I state that Shri Ramabhadran had visited me at Ahmedabad. I remember that I had gone to the Ahmedabad airport and received him and as requested by him, we had gone to a Guest house where he was staying, where he got my signature on the vouchers showing payment of salary by cash.

On being asked I state that I have attended the Melmaruvathur Adhi Parashakthi Institute of Medical Sciences only on these 2 occasions and had not taught at the college at any time.

On being asked I state that, I had joined the College and attended 2 inspections of MCI i.e. 2009 and 2010 under the impression that I would be employed as a permanent faculty member of the College. However, later I understood that they were not interested to take me on their rolls. On both occasions, I was under the impression that they would call me over and employ me on a permanent basis."

Statement submitted to Medical Council of India by the alleged doctor

Dr. Sarath Chandra Shah stated that he joined as Associate Professor in the Department of Radiology and did not remember precisely the dates of joining and relieving at MAPIMS. He stated that he was not regular in the college but he attended the college on 30.04.2009 and 29.03.2010. He stated that he had not worked in any other college during the period 2009-10. He was paid total emoluments of Rs. 6,00,000/- Rupees Six Lakhs in cash from MAPIMS and had submitted Form - 16 and shown the emoluments in his income tax returns.

The Ethics Committee observed as under:

It is evident from the records and the statements submitted by CBI and Dr. Sarath Chandra Shah that he was not regularly attending Melmaruvathur Adiparasakthi Institute of Medical Sciences, Melmaruvathur, Tamil Nadu but only attended the college on the day of inspection.

The Ethics Committee after detailed deliberation and perusal of all the relevant documents as well as the oral and written statement submitted by Dr. Sarath Chandra Shah, have come to the unanimous decision that Dr. Sarath Chandra Shah has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following provisions of the regulations are concerned:-

Section 1.1.1.

A Physician shall uphold the dignity and honour of his profession.

Section 1.1.2.

The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

"It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical

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Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils."

The Ethics Committee is of the opinion that the Act of Commission in the part of Dr. Sarath Chandra Shah constitutes PROFESSIONAL MISCONDUCT, which renders him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that a punishment of removal of his name from the concerned State Medical Council's register as well as the Medical Council of India register for a period of **three (03) years**.

Dr. Dhanumjaya Rao (Sl. No. 30)

Statement submitted by CBI

"Statement of Dr. Dhanumjaya Rao, S/o Shri M Appanna, (aged 31 years), shown to be working as Asstt. Professor in Department of T B & Chest in Melmaruvathur Adhi Parashakthi Institute of Medical Sciences and Research, Melmaruvathur; presently working in Apollo Main Hospital, Greames Road, Chennai. Perm: Add: Allada village, via Urlam, Jarmuru Mandal, Srikakulam Distt. A P 532425. MOB: 9441607910.

I am working as above in Apollo Main Hospital since 1st October 2009. I did my MBBS from Govt. Medical College, Guntur in the year 2002, and was registered vide registration No. 50389 dated 02.01.04 from the Medical Council. I studied for PG entrance exams which I cleared and subsequently, I did my PG in Pulmonary Medicine from the Rangaraya Medical College, Kakinada, AP in the year 2008. After passing my PG in 2008, I worked for some time in Yashoda hospital, Secunderabad and Care Hospital, Banjara Hills, Hyderabad. I came to Chennai in October, 2009 and started in the Appollo Main Hospital, Greams Road where I am still working.

Some time in the 3rd week of March, 2010, I was contacted by one Shri Subramaniam over phone who asked me whether I was interested in working in Melmaruvathur Adhi Parashakthi Institute of Medical Sciences and Research. I do not know Shri Subramaniam. It appeared that he was an agent for getting doctors for the medical colleges I informed him that I would see whether I liked the place and if I liked the College, I would like to join, otherwise I would discontinue. I was offered Rs. 75,000/- as advance salary for joining. I was told that I would have to attend the MCI Inspection. Accordingly, I agreed to this and visited the place on 24.03.2010. I was asked to bring my papers relating to my qualification, which I took with me. When I reached there on that date, I was contacted by Shri Subramaniam who took me to the office of the College where Shri Ramabhadran, Administrative Officer was available. Shri Ramabhadran handed over the Declaration form and showed me two places to sign on the said form. I did not read the said form. I simply signed that form at the places showed by Shri Ramabhadran and gave it back to him. Shri Subramaniam, thereafter, took me to the Hospital, where I was asked to sign in some register the name of which I do not remember. Nothing was said about the payment offered and no money was paid. I was only told that I would be called at the time of inspection by me. I was also offered the experience certificate once I attend the inspection. After this, I left for Chennai.

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On 28.03.2010 night, I was called by Shri Subramaniam again and requested me to come to the College to attend the MCI inspection on 29.03.2010. I was not interested to attend the same. I agreed to same only because I thought I would join the College and if, on a future date, I am able to continue in the college, I can gain experience. However, later I understood they were not interested in employing me on a regular basis. I asked them regarding this but they did not give any proper response. On 29.03.2010 morning, I went to Melmaruvathur Adhi Parashalcthi Institute of Medical Sciences and Research and attended the MCI inspection along with the ID card of AP Medical Council. I reported to the TB & Chest department with the help of Shri Subramaniam who had also come to the college and who was present in the premises during the inspection. After the inspection was over, I left since I felt that they were not interested in employing me. I was not paid anything for this visit and I was not called later.

On being asked I state that I was not given any experience certificate by the College.

I am shown the Declaration form dated 25.03.2010 in which I identify my signature at two places. The said Declaration form was not filled when it was given to me for signature. It was not filled up by me.

On being asked I state that I did not read the contents of the declaration form since I did not suspect any foul play. The declaration form states that I was working as a full time teacher. However, I had not worked there at all for the reasons stated above. The signature was affixed on it in good faith thinking that the office of the medical college would fill up the Declaration form correctly.

I am shown the appointment order, joining report form and quarters allotment order in my name all dated 22.02.2010. The joining report bears my signatures, which I identify. I have not been given copy of either the appointment order or quarters allotment order.

I am shown the cash voucher towards salary dated 07.04.2010. This shows an amount of Rs. 35,000/- having been paid to me. However, no such amount has been paid to me and there is no signature on this."

Statement submitted to Medical Council of India by the alleged doctor

Dr. Dhanumjaya Rao stated that he joined as Assistant Professor of TB & Chest on 22.02.2010 and was relieved on 31.07.2010. He stated that he attended the college regularly as a full-time faculty and was not working in any other college. He said that he took one class per week and did not receive any emoluments. He said that, he requested to college authority to pay him salary which was postponed by the concerned authority. Hence, he was forced to leave the college on 31.07.2010. He mentioned that he used to do night duties in Appollo Hospital, Chennai in General Ward and ICU on some days as he was not getting salary at MAPIMS.

The Ethics Committee observed as under:

The committee observed that as per the records submitted he joined the institution on 22.02.2010. But however, as per his statement before the CBI, he visited the institution on 24.03.2010 and he left for Chennai. Then he was called on 28.03.2010 night by Sri Subramaniam to attend the MCI inspection on 29.03.2010, which he complied with.

The Ethics Committee after detailed deliberation and perusal of all the relevant documents as well as the oral and written statement submitted by Dr. Dhanumjaya Rao have come to the unanimous decision that Dr. Dhanumjaya Rao has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following provisions of the regulations are concerned:-

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The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

"It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils."

The Ethics Committee is of the opinion that the Act of Commission in the part of Dr. Dhanumjaya Rao constitutes PROFESSIONAL MISCONDUCT, which renders him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that a punishment of removal of his name from the concerned State Medical Council's register as well as the Medical Council of India register for a period of **two (02) years**.

Dr.JayaPrabhu (F.No. 12)

Statement submitted by CBI

"Statement of Dr. Prabhu Somuraj, S/o Shri C. Sornuraj , Age : 28 years, Occ : presently working as Casualty Medical Officer in Anbu Hospital, Thookkupalam, Distt. and was earlier working as Junior Resident in Surgery Deptt in Melmaruvathur Adhiparashakthi Institute of Medical Sciences & Research, Melmaruvathur, Distt. Kancheepuram, Permanent Res & Present : Govt. P.H.C. Quarters, Uppidamangalam, Karur District - 639114, Present Add: Mobile No. 9884180300

I state that I am as above. I completed my MBBS from MMC, Dr. M.G.R. Medical University, Tamilnadu in the year 2009 registered myself vide No. 88479 dated 31.12.2009 under Tamilnadu Medical Council.

After completion of the MBBS Degree, I worked in the Sridevi Hospital, Koyambedu, Chennai doing Relieving Duties till October, 2009. I came to know of Melmaruathur through some seniors of mine. I went personally to the College with my papers and met somebody in the Administration deptt.

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who did a formal interview and asked me to join. This was in the month of February, 2010. After two days, I joined the College i.e. on 22.02.2010. I worked there as a Junior Resident about six months and left in the month of October, 2010 when I got a better offer where I am working now.

I was working full time in Melmaruvathur. The timing was 8.00 AM to 4.00 PM for six days a week. I was paid Rs.16,000/- as salary through cash.

While working in Melmaruvathur, I was staying in the quarter No.RA-9 provided by the college.

I am shown the Declaration form dated 22.02.2010 showing that I was Junior Resident of the above medical college. I confirm that whatever is given in the Declaration Form is correct. This has been filled in by me and bears my signatures.

I am shown the copies of Appointment letter and Quarter Allotment letter, both dated 22.02.2010, which I confirm having received. I also confirm my signature and hand writing on the Joining report dated 22.02.2010 which is now shown to me.

I state that on 29.3.2010 I was present during the inspection by the MCI.

I am shown the cash voucher dated 07.04.2010 for Rs. 16,000/- being salary for the month of March, 2010. This does not bear my signature. I do not know why it is so."

Statement submitted to Medical Council of India by the alleged doctor

Dr. Jaya Prabhu stated that he joined as Assistant Professor of Surgery on 04.01.2010 and was relieved on 29.03.2010. He stated that he attended the college regularly as a full-time faculty from the date of joining until the date of relieving and was not working elsewhere. He stated that he used to take 3-4 theory classes and 4-5 clinical classes per week. He said that, he was staying in the college campus and received around Rs. 30,000/- as total emoluments. He stated that the Declaration form bears his first name (Jayaprabhu) and rest of the details did not belong to him. He said that he was relieved from the college before the inspection on 29.03.2010.

The decision of the Ethics Committee :

The committee observed that the declaration form did not belong to Dr. Jayaprabhu S. Uttur. Therefore, the committee concluded that Dr. Jayaprabhu S. Uttur was not involved in any misconduct and decided to take no action against him. Further the committee also directed the Council to communicate to the concerned CBI authorities at Chennai regarding the decision taken.

Dr. T. Ramesh,

Managing Director, Melmaruvathur Adhi Parashakthi Institute of Medical Sciences and Research, Chennai

Submission of CBI

The Anti-Corruption branch of CBI, Chennai has registered a case vide CBI Case in RC25(A)/2010 of ACB; Chennai.

The Investigation of said case revealed that, as per MCI requirements, there should be a total of 262 Faculty members in the college and that shortage of eligible faculty members would prompt action against the college and the MCI would not even recommend renewal of permission for admission of 3rd batch of students for MBBS Degree course of Melmaruvathur Adhi Parasakthi Institute of Medical Sciences and Research. Hence, the Institute recruited over the period 2009-10, several faculty members who were not permanent, including 32 members

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some of whom worked only for one day or a few days in the college only for the purpose of presenting themselves before the compliance inspection team of MCI on 29.03.2010 as regular faculty members. They were actually Faculty members who were not only not employed in the college on a regular basis as declared by them in the Declaration Form, whereas, they were, in fact, working at other hospitals which they were not supposed to, being the Faculty members of the Melmaruvathur Adhi Parashakthi Institute of Medical Sciences and Research, as required by the Regulations of the MCI.

The Declaration Forms of all these 32 faculty members who were not employed in the college contained false and misleading information in the form of an undertaking to the effect that these faculty members were full time teachers of MAPIMS, that they were not working at any other Medical College/Institution nor attended any inspection of the MCI from 1st August, 2009 onwards till the date of signing the declaration form and that they were not practicing anywhere or carrying out any other activity etc.

The 32 faculty members who had attended MCI inspection on 29th March 2010 were not required to sign any Attendance Register or to attend the college regularly by the college authorities. They were paid salary in cash either lump-sum or on case to case basis and not as per the UGC Rules for which their acknowledgment of payment of salary by cash was taken in vouchers even after the date of compliance inspection on 29.01.2010 and in some cases even after the registration of the instant case by CBI. They were not shown as faculty members in the lists provided to the Chartered Accountant of the ACMEC Trust for the purpose of income tax computation while filing the Income Tax Returns, nor do their names appear in the lists provided to the Melmaruvathur Panchayat for payment of Professional Tax and in the banks, viz., Central Bank of India and State Bank of India, Melmaruvathur, through which regular faculty members were paid their salary.

The appointment order for 32 doctors were issued by Dr. T. Ramesh, Managing Director, Melmaruvathur Adhi Parashakthi Institute of Medical Sciences and Research, Chennai except in case of Dr. K. Nedumaran & Dr. R. Mahadevan. In case of Dr. K. Nedumaran the order was said to be issued by Sh. Ramabhadharan on behalf of Dr. T. Ramesh. In case of Dr. R. Mahadevan the order was issued on behalf of Dr. T. Ramesh by Dr. Kalaiselvi, who in her letter received in the council on 23.08.2012 said that, she was relieved from the post of Dean on 02.07.2009 and was not called by the CBI for inquiry on the above subject.

The table showing the appointment order issued by Dr. T. Ramesh is as under:

Sl. No.	Alleged Doctor	Address	Name of the Dean who countersigned	Name of the authority who issued appointment order
1.	Dr. Surendra Singh Verma	S/o Shri Shivcharan Das Verma, Professor, Department of Community Medicine	Dr. Sashikanth Patel	Dr. T. Ramesh
2.	Dr. Anuja Pandey	D/o Awadh Bihari Pandey, Assistant Professor, Department of Community Medicine	Dr. Sashikanth Patel	Dr. T. Ramesh

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3.	Dr. Gathe Sachin Bhaurao	S/o Shri Bhaurao Punjaram Gathe, Asstt.Professor, Department of Community Medicine	Dr. Sashikanth Patel	Dr. T. Ramesh
4.	Dr.Asmitha Deshmukh	D/o Shri Manik Bajirao Deshmuk, Professor, Department of Medicine	Dr. Sashikanth Patel	Dr. T. Ramesh
5.	Dr.K.Jagadeesh	S/o Krishnamurthy, Sr. Resident, Department of Medicine	Dr. Sashikanth Patel	Dr. T. Ramesh
6.	Dr.ManojKumarGupta	S/o Shri Mangeram Gupta, Senior Resident, Department of General Medicine	Dr. Sashikanth Patel	Dr. T. Ramesh
7.	Dr. Sarath Chandra Shah	S/o Shri Rasiklal Shah, Associate Professor, Department of Radiology	Dr. Sashikanth Patel	Dr. T. Ramesh
8.	Dr. Shalik Bhaurao Ade	S/o Shri Bhaurao Gulabrao Ade, Associate Professor, Department of Radio Diagnosis	Dr. Sashikanth Patel	Dr. T. Ramesh
9.	Dr. Manjunath B. V.	S/o Shri Venkaramappa.B.K., Sr.Resident, Department of Radio Diagnosis.	Dr. Sashikanth Patel	Dr. T. Ramesh
10.	Dr. Chitgopeker Vijay	S/o Shri Srinivasa Rao Chit Gopekar, Sr.Resident, Department of Radio Diagnosis	Dr. Sashikanth Patel	Dr. T. Ramesh
11.	Dr.Manjiri Vasant Rao Morab	D/o Shri Vasant Rao Apparao Morab, Department of Radiology	Dr. Sashikanth Patel	Dr. T. Ramesh
12.	Dr.JayaPrabhu	S/o Shri C. Somraj, SeniorResident in Department of Surgery	Dr. Sashikanth Patel	Dr. T. Ramesh
13.	Dr.S.Thiagarajamurthy	Shri Sundaramoorthy, the then Sr. Resident, Department of General Surgery.	Dr. Sashikanth Patel	Dr. T. Ramesh
14.	Dr.Naresh.V	S/o Shri V.Lakshmaiah, Sr. Resident, Department of General Surgery.	Dr. Sashikanth Patel	Dr. T. Ramesh
15.	Dr. Chandan Jadhav. N	S/o Shri Lakshmi Narayanan, Sr. Resident, Department of General Surgery.	Dr. Sashikanth Patel	Dr. T. Ramesh

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16.	Dr.Bhuva Bhavin Ambavibhai	S/o Shri A.K.Bhuva, Associate Professor, Department of Surgery	Dr. Sashikanth Patel	Dr. T. Ramesh
17.	Dr. C.V.P.K.B.H. Subrahmanyewara Rao	S/o Shri Cherukuri Arjuna Rao, Associate Professor Department of GeneralSurgery	Dr. Sashikanth Patel	Dr. T. Ramesh
18.	Dr. Mysamy	S/oShri Kandasamy Gounder, Associate Professor, Department of Surgery	Dr. Sashikanth Patel	Dr. T. Ramesh
19.	Dr.Ramesh Limbajirao Renge	S/o Shri Limbajirao Renge, Asst. Professor, Department of Paediatrics	Dr. Sashikanth Patel	Dr. T. Ramesh
20.	Dr. Vishnu Prasad Madhusudan Bapat	S/o Shri Madhusudan Bapat, Professor, Department of Pathology	Dr. Sashikanth Patel	Dr. T. Ramesh
21.	Dr. Anamalla Naresh	S/o Shri Bhoomaiah, Associate Professor, Department of Anesthesiology	Dr. Sashikanth Patel	Dr. T. Ramesh
22.	Dr.Jogesh Chandra Choudhury	S/oShri Brundaban Choudhary, Associate Professor, Department of Anesthesiology	Dr. Sashikanth Patel	Dr. T. Ramesh
23.	Dr. K. Nedumaran	S/o Shri V.Kaliaperumal, Assistant Professor, Department of Anesthesiology	Dr. Sashikanth Patel	Shri Ramabadhran
24.	Dr. R. Mahadevan	S/o Shri V.Ramasamy, Assistant Professor, Department of Anesthesiology	Dr. Sashikanth Patel	Dr. Kalaiselvi
25.	Dr.Lokesh	S/o Shri C.Easwara, Sr.Resident, Department of Anesthesiology	Dr. Sashikanth Patel	Dr. T. Ramesh
26.	Dr.Abhay Vasantrao Anurkar	S/o ShriVasantMaruthrao Anurkar, Associate Professor, Department of Anesthesiology.	Dr. Sashikanth Patel	Dr. T. Ramesh
27.	Dr. Sachin Hanumantrao Chandolkar	S/o Shri Hanumatrao, Associate Professor, Department of Anesthesiology	Dr. Sashikanth Patel	Dr. T. Ramesh

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28.	Dr.Binny	Shri Kuttan Krishnan Kutty, Sr. Resident, Department of Pharmacology	Dr. Sashikanth Patel	Dr. T. Ramesh
29.	Dr.K.Padmanabhan	S/o Shri S.Kumar, Asst. Professor, Department of ENT	Dr. Sashikanth Patel	Dr. T. Ramesh
30.	Dr.Dhanumjaya Rao	S/o Shri Appanna, Asst.Professor, Department of TB&Chest	Dr. Sashikanth Patel	Dr. T. Ramesh
31.	Dr.T.Manjunath	S/o Shri Thimmappa, Professor, Deptt. Of Orthopedics	Dr. Sashikanth Patel	Dr. T. Ramesh
32.	Dr.A.L.V. Rajasekhara Rao	S/o Shri Venkataramana Rao Allam, Senior Resident, Department of Orthopaedics	Dr. Sashikanth Patel	Dr. T. Ramesh

Statement submitted to Medical Council of India on 22.09.2012:

"I, Dr. T. Ramesh, Managing Director of Adhiparasakthi Medical College, Melmaruvathur did my MBBS from Coimbatore Medical College in the year 1996 and did my MD from Madras Medical College in the year 1999. I am registered with Tamilnadu Medical Council bearing registration number 56353.

We paid salary for 32 faculty members under scrutiny by way of cash. Because of payment by cash we were not able to issue Form-16 for the above mentioned 32 faculty members.

For the above issue, a case has been registered by the Income Tax Department.

The responsibility of maintaining the attendance register was by the Administrative Office and I am not very sure about the proper maintenance of the attendance register."

The Ethics Committee observed as under:

The Ethics Committee after detailed deliberation and perusal of all the relevant documents as well as the oral and written statement submitted by Dr. T. Ramesh, have come to the unanimous decision that Dr. T. Ramesh has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 in terms of providing false information regarding appointment of above mentioned faculty members. He has violated the following provisions of the regulations:-

Section 1.1.1.

A Physician shall uphold the dignity and honour of his profession.

Section 1.1.2.

The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

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Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

"It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils."

The Ethics Committee is of the opinion that the Act of Commission in the part of Dr. T. Ramesh constitutes PROFESSIONAL MISCONDUCT, which renders him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that a punishment of removal of his name from the concerned State Medical Council's register as well as the Medical Council of India register for a period of **Five (05) years**.

Dr. Shashikant Patel,
Dean, Melmaruvathur Adhi Parashakthi Institute of Medical Sciences and Research,
Chennai

Submission of CBI

The Anti-Corruption branch of CBI, Chennai has registered a case vide CBI Case in RC25(A)/2010 of ACB; Chennai.

The Investigation revealed that, as per MCI requirements, there should be a total of 262 Faculty members in the college and that shortage of eligible faculty members would prompt action against the college and the MCI would not even recommend renewal of permission for admission of 3rd batch of students for MBBS Degree course of Melmaruvathur Adhi Parasakthi Institute of Medical Sciences and Research. Hence, the Institute recruited over the period 2009-10, several faculty members who were not permanent, including 32 members some of whom worked only for one day or a few days in the college only for the purpose of presenting themselves before the compliance inspection team of MCI on 29.03.2010 as regular faculty members. They were actually Faculty members who were not only not employed in the college on a regular basis as declared by them in the Declaration Form, whereas, they were, in fact, working at other hospitals which they were not supposed to, being the Faculty members of the Melmaruvathur Adhi Parashakthi Institute of Medical Sciences and Research, as required by the Regulations of the MCI.

The Declaration Forms of all these 32 faculty members who were not employed in the college contained false and misleading information in the form of an undertaking to the effect that these faculty members were full time teachers of MAPIMS, that they were not working at any other Medical College/Institution nor attended any inspection of the MCI from 1st August, 2009 onwards till the date of signing the declaration form and that they were not practicing anywhere or carrying out any other activity etc.

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The 32 faculty members who had attended MCI inspection on 29th March 2010 were not required to sign any Attendance Register or to attend the college regularly by the college authorities. They were paid salary in cash either lump-sum or on case to case basis and not as per the UGC Rules for which their acknowledgment of payment of salary by cash was taken in vouchers even after the date of compliance inspection on 29.01.2010 and in some cases even after the registration of the instant case by CBI. They were not shown as faculty members in the lists provided to the Chartered Accountant of the ACMEC Trust for the purpose of income tax computation while filing the Income Tax Returns, nor do their names appear in the lists provided to the Melmaruvathur Panchayat for payment of Professional Tax and in the banks, viz., Central Bank of India and State Bank of India, Melmaruvathur, through which regular faculty members were paid their salary.

The appointment order for 32 doctors were counter signed by Dr. Shashikant Patel, Dean, Melmaruvathur Adhi Parashakthi Institute of Medical Sciences and Research, Chennai except in case of Dr. K. Nedumaran the order was issued by Sh. Ramabadharan on behalf of Dr. T. Ramesh. In case of Dr. R. Mahadevan the order was issued on behalf of Dr. T. Ramesh by Dr. Kalaiselvi, who in her letter received in the council on 23.08.2012 said that, she was relieved from the post of Dean on 02.07.2009 and was not called by the CBI for inquiry on the above subject.

The table showing the appointment order counter signed by Dr. Shashikant Patel is as under:

Sl. No.	Alleged Doctor	Address	Name of the Dean who countersigned	Name of the authority who issued appointment order
1.	Dr. Surendra Singh Verma	S/o Shri Shivcharan Das Verma, Professor, Department of Community Medicine	Dr. Sashikanth Patel	Dr. T. Ramesh
2.	Dr. Anuja Pandey	D/o Awadh Bihari Pandey, Assistant Professor, Department of Community Medicine	Dr. Sashikanth Patel	Dr. T. Ramesh
3.	Dr. Gathe Sachin Bhaurao	S/o Shri Bhaurao Punjaram Gathe, Asstt.Professor, Department of Community Medicine	Dr. Sashikanth Patel	Dr. T. Ramesh
4.	Dr. Asmitha Deshmukh	D/o Shri Manik Bajirao Deshmukh, Professor, Department of Medicine	Dr. Sashikanth Patel	Dr. T. Ramesh
5.	Dr. K. Jagadeesh	S/o Krishnamurthy, Sr. Resident, Department of Medicine	Dr. Sashikanth Patel	Dr. T. Ramesh
6.	Dr. Manoj Kumar Gupta	S/o Shri Mangeram Gupta, Senior Resident, Department of General Medicine	Dr. Sashikanth Patel	Dr. T. Ramesh

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7.	Dr. Sarath Chandra Shah	S/o Shri Rasiklal Shah, Associate Professor, Department of Radiology	Dr. Sashikanth Patel	Dr. T. Ramesh
8.	Dr. Shalik Bhaurao Ade	S/o Shri Bhaurao Gulabrao Ade, Associate Professor, Department of Radio Diagnosis	Dr. Sashikanth Patel	Dr. T. Ramesh
9.	Dr. Manjunath B. V.	S/o Shri Venkaramappa.B.K., Sr.Resident, Department of Radio Diagnosis.	Dr. Sashikanth Patel	Dr. T. Ramesh
10.	Dr. Chitgopeker Vijay	S/o Shri Srinivasa Rao Chit Gopekar, Sr.Resident, Department of Radio Diagnosis	Dr. Sashikanth Patel	Dr. T. Ramesh
11.	Dr.Manjiri Vasant Rao Morab	D/o Shri Vasant Rao Apparao Morab, Department of Radiology	Dr. Sashikanth Patel	Dr. T. Ramesh
12.	Dr.JayaPrabhu	S/o Shri C. Somraj, Senior Resident in Department of Surgery	Dr. Sashikanth Patel	Dr. T. Ramesh
13.	Dr.S.Thiagarajamurthy	Shri Sundaramoorthy, the then Sr. Resident, Department of General Surgery.	Dr. Sashikanth Patel	Dr. T. Ramesh
14.	Dr.Naresh.V	S/o Shri V.Lakshmaiah, Sr. Resident, Department of General Surgery.	Dr. Sashikanth Patel	Dr. T. Ramesh
15.	Dr. Chandan Jadhav. N	S/o Shri Lakshmi Narayanan, Sr. Resident, Department of General Surgery.	Dr. Sashikanth Patel	Dr. T. Ramesh
16.	Dr.Bhuva Bhavin Ambavibhai	S/o Shri A.K.Bhuva, Associate Professor, Department of Surgery	Dr. Sashikanth Patel	Dr. T. Ramesh
17.	Dr. C.V.P.K.B.H. Subrahmanyeswara Rao	S/o Shri Cherukuri Arjuna Rao, Associate Professor Department of General Surgery	Dr. Sashikanth Patel	Dr. T. Ramesh
18.	Dr. Mylsamy	S/o Shri Kandasamy Gounder, Associate Professor, Department of Surgery	Dr. Sashikanth Patel	Dr. T. Ramesh
19.	Dr.Ramesh Limbajirao Renge	S/o Shri Limbajirao Renge, Asst. Professor, Department of Paediatrics	Dr. Sashikanth Patel	Dr. T. Ramesh

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Member

20.	Dr. Vishnu Prasad Madhusudan Bapat	S/o Shri Madhusudan Bapat, Professor, Department of Pathology	Dr. Sashikanth Patel	Dr. T. Ramesh
21.	Dr. Anamalla Naresh	S/o Shri Bhoomaiah, Associate Professor, Department of Anesthesiology	Dr. Sashikanth Patel	Dr. T. Ramesh
22.	Dr. Jogesh Chandra Choudhury	S/o Shri Brundaban Choudhary, Associate Professor, Department of Anesthesiology	Dr. Sashikanth Patel	Dr. T. Ramesh
23.	Dr. K. Nedumaran	S/o Shri V.Kaliaperumal, Assistant Professor, Department of Anesthesiology	Dr. Sashikanth Patel	Shri Ramabhadran
24.	Dr. R. Mahadevan	S/o Shri V.Ramasamy, Assistant Professor, Department of Anesthesiology	Dr. Sashikanth Patel	Dr. Kalaiselvi
25.	Dr. Lokesh	S/o Shri C.Easwara, Sr. Resident, Department of Anesthesiology	Dr. Sashikanth Patel	Dr. T. Ramesh
26.	Dr. Abhay Vasant Rao Anurkar	S/o Shri Vasant Maruth Rao Anurkar, Associate Professor, Department of Anesthesiology.	Dr. Sashikanth Patel	Dr. T. Ramesh
27.	Dr. Sachin Hanumantrao Chandolkar	S/o Shri Hanumatrao, Associate Professor, Department of Anesthesiology	Dr. Sashikanth Patel	Dr. T. Ramesh
28.	Dr. Binny	Shri Kuttan Krishnan Kutty, Sr. Resident, Department of Pharmacology	Dr. Sashikanth Patel	Dr. T. Ramesh
29.	Dr. K. Padmanabhan	S/o Shri S.Kumar, Asst. Professor, Department of ENT	Dr. Sashikanth Patel	Dr. T. Ramesh
30.	Dr. Dhanumjaya Rao	S/o Shri Appanna, Asst. Professor, Department of TB&Chest	Dr. Sashikanth Patel	Dr. T. Ramesh
31.	Dr. T. Manjunath	S/o Shri Thimmappa, Professor, Deptt. Of Orthopedics	Dr. Sashikanth Patel	Dr. T. Ramesh
32.	Dr. A.L.V. Rajasekhara Rao	S/o Shri Venkataramana Rao Allam, Senior Resident, Department of Orthopaedics	Dr. Sashikanth Patel	Dr. T. Ramesh

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Member

Statement submitted to Medical Council of India:

"I, Dr. Shashikant Patel, Dean of Adhiparasakthi Medical College, Melmaruvathur did my MBBS from Grant Medical College, Mumbai in the year 1982 and did my postgraduation in Anatomy in the year 1985 from the same college. I joined the Adhiparasakthi Medical College, Melmaruvathur in December, 2007 as Professor in Anatomy Department. I was appointed adhoc Dean on January, 2010 just three weeks before the MCI inspection on 16.2.2010. I am registered with the Maharashtra medical Council bearing No.47177.

I signed the Declaration Forms after verifying the eligibility only and signed the same. I have not verified whether the candidate himself/herself filled the form in their own handwriting and whether the candidate was working elsewhere. It was practically impossible to verify these details myself.

The college has been maintaining attendance register since beginning but I am not sure whether they were complete and signed by the 32 candidates under scrutiny. The responsibility of maintaining the attendance register was by the Administrative Office.

I was not involved in the mode of payment to the faculty or paying of income tax (IDS) or issuing Form-16 to the candidates. The responsibility of Accounts was with Accounts Office & the Managing Director."

The Ethics Committee observed as under:

The Ethics Committee after detailed deliberation and perusal of all the relevant documents as well as the oral and written statement submitted by Dr. Shashikant Patel have come to the unanimous decision that Dr. Shashikant Patel has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 in terms of providing false information regarding appointment of above mentioned faculty members. He has violated the following provisions of the regulations:-

Section 1.1.1.

A Physician shall uphold the dignity and honour of his profession.

Section 1.1.2.

The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

"It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils."

(Dr. P.Prasannaraj)
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Member

(Amit Bansal) (Advocate)
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The Ethics Committee is of the opinion that the Act of Commission in the part of Dr. Shashikant Patel constitutes PROFESSIONAL MISCONDUCT, which renders him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that a punishment of removal of his name from the concerned State Medical Council's register as well as the Medical Council of India register for a period of **Five (05) years**.

14. Complaint against Dr. S.S.Bansal, Metro Heart Instt., Faridabad as alleged by Sh. Sandeep Kumar (F.No. 196/2011).

The Ethics Committee considered the matter and noted that despite notice dated 10.10.2012 sent to Sh. Sandeep Kumar, complainant, to appear before the Ethics Committee, the said complainant did not appear before the Ethics Committee. The Committee also noted that the complainant in his letter dated nil, received by the Council on 14.05.2012, had stated that he has withdrawn his complaint dated 02.05.2011 lodged against Dr. S.S. Bansal and Dr. Neeraj Jain. The Ethics Committee observed that the complainant seemed no longer interested to pursue his complaint and accordingly the Ethics Committee decided to dispose of the above mentioned complaint.

15. Appeal made by Mr. K.C. Aggarwal against Dr. Charanjit Singh (F.No.828/2010).

The Ethics Committee considered the matter and noted that Mr. K.C. Aggarwal & Dr. Charanjit Singh had been asked to appear before the Ethics Committee and only Dr. K.C. Aggarwal appeared before the Committee. The Committee heard Mr. Aggarwal and was of the view that Mr. Aggarwal failed to produce any evidence to substantiate his case that Dr. Charanjit Singh was falsely representing himself to be a specialist, Eye Surgeon. Accordingly, the Ethics Committee found no merit in this case and the complaint is disposed of.

The complainant also alleged that Dr. Charanjit Singh had been harassing the complainant and his family by filing false criminal case against him. The Committee is of the view that this matter is outside the purview of the Medical Council of India and hence no action can be taken against the doctor on the basis of this complaint.

16. Appeal against order dated 22.02.2011 passed by Delhi Medical Council made by Dr. Sunil Choudhary (F.No.172/2011).

The Ethics Committee heard Dr. Sunil Choudhary and Dr. P.K. Talwar who appeared with their representatives before the Ethics Committee. Dr. P.K. Talwar alleged that he had not received any documents submitted by Dr. Sunil Choudhary to the Council and requested that a copy of the same may be provided. As directed by the Ethics Committee, the Council provided all the documents submitted by Dr. Sunil Choudhary to Dr. P.K. Talwar in the said matter and directed Dr. Talwar to submit his reply, if any, within 2 weeks.

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The Ethics Committee deliberated on the issue and noted that Dr. Sunil Chaudhary has qualified with MBBS and MS(General Surgery). He underwent training in plastic surgery and possessing overseas diploma/certificates in plastic surgery.

With the above qualification, according to General Medical Council Dr. Sunil Chaudhary cannot gain entry in specialization register of UK until he submits certificate of completion of training (CCT) in Plastic Surgery. This is in accordance with the provisions of the Notification issued by Ministry of Health & F.W. dated 7th March, 2008 which states as under:-

“S.O.459(E).- In exercise of the powers conferred by sub-section (4) of the Section 13 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consultation with the Medical Council of India, hereby makes the following further amendments in Part II of the Third Schedule to the said Act, namely :-

In the said Schedule under the heading “Part II Recognised Medical Qualifications Granted by Medical Institutions outside India not included in the Second Schedule”, after the entries relating to the qualification Doctor of Philosophy (Ph.D.) in Medical Sciences (Dagastan Medical Institute), U.S.S.R. and below the explanation of the asterisk (*), the following shall be added, namely :-*

“All post graduates medical qualifications awarded in Australia and recognized for enrolment as medical practitioners in the concerned specialties in that country;

All post graduates medical qualifications awarded in Canada and recognized for enrolment as medical practitioners in the concerned specialties in that country;

All post graduate medical qualifications awarded in New Zealand and recognized for enrolment as medical practitioners in the concerned specialties in that country;

All post graduate medical qualifications awarded in United Kingdom and recognized for enrolment as medical practitioners in the concerned specialties in that country;

All post graduate medical qualifications awarded in United States of America and recognized for enrolment as medical practitioners in the concerned specialties in that country;

After detailed discussion and taking into consideration, qualifications, experience and the extent of training in plastic surgery of Dr. Sunil Chaudhary, the Ethics Committee is of the opinion that the said doctor is eligible to practice plastic surgery. However, he is not eligible to be registered as plastic surgeon unless he fulfills the requisite qualifications for the same. Currently there is no separate registry for Plastic Surgeons in Delhi Medical Council and hence he cannot seek registration as Plastic Surgeon. The Ethics Committee is of the view that Medical Council of India needs to evolve a frame work for registration of specialists. In the mean time this matter may be referred to the Equivalence Committee to address the same.

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17. **Appeal against order dated 10.02.2012 passed by U.P. Medical Council made by Sh. Ram Murty Garg against Dr. R.C. Mishra & Dr. Muneeshwar Gupta. (318/2011).**

The Ethics Committee considered the appeal dated 13.03.2012 filed by Sh. Ram Murty Garg against the order dated 10.02.2012 passed by U.P. Medical Council and noted that Sh. Ram Murthy Garg, Appellant and Dr. R. C. Mishra, Respondent appeared before the Committee.

After detailed deliberation, the Committee is of the view that Dr. Mishra has not provided any documents which showed that pre-anesthetic check-up by Anesthetist is on record, even though physician's evaluation of the patient before the surgery is available on record. In addition, the neurological evaluation of the patient before the surgery is not on record. The appellant has also alleged that a sentence was added to the consent form in the end after the signatures were obtained from the patient and the relatives. This was denied by the doctor who says that this line was added before the signatures were taken after explaining the detailed surgical procedures. The Committee of the view that whether the said line was added to the Consent Form as claimed by the complainant or not, makes no difference to the outcome of the surgery.

In view of above, the Ethics Committee decided to issue him a warning to maintain proper record, and follow proper procedures before and after surgery in future.

18. **Appeal against order dated 07.06.2010 passed by Delhi Medical Council made by Mr. S.P.Manchanda (597/2010) 02:30 PM.**

The Ethics Committee considered the matter and noted that Dr. Dr. Pooja Bhatia, Dr. Vikas and Dr. Rajeev Kapoor & Mr. S.P. Manchanda were asked to appear before the Ethics Committee and all the said persons appeared before the Committee except Dr. Rajeev Kapoor. The hospital authorities submitted letter stating that Dr. Rajeev Kapoor was currently not working in their hospital.

After detailed discussion, the Ethics Committee noted that hospital records as well as oral statement submitted by the treating doctors/consultants showed that there was lack of guidance and care as provided by the treating consultant Incharge. Moreover, it is found that the hospital did not provide the patient with standard post operative care. The hospital lacked in adequate blood component facilities, timely ultrasound examination, timely usage of appropriate drugs, which might be responsible for the death of the patient Ms. Nitika Manchanda.

After going through the case, the Ethics Committee unanimously felt that there was definite professional misconduct on the part of the consultant/treating doctors in management of patient i.e. Nitika Manchanda, in so far as the post operative monitoring and management of the adverse events occurring on the 2nd post operative day, which ultimately led to the death of the patient. It appears that the patient had developed severe pain in the abdomen at around 10.00 p.m. on 4th May, 2009 which was managed by the Resident Doctor on duty by a very aggressive multi modal analgesia and sedation and did not advise any investigations like a routine Haemogram and Ultrasound investigations, which was strongly indicated in such a situation.

On going through the records, it was found that there were numerous over writings and alterations in crucial patient data as well as the timing of the notings. At some points

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additional data seems to have been inserted at later date. On page No. 183, the note does not specify the blood pressure the column of B.P. has been left blank which is unusual for a patient developing severe post operative abdominal pain.

The Ethics Committee strongly recommended to the regulatory body concerned with quality of hospital care, to take necessary action on the hospital administration for the poor care and infrastructure authorities. The Committee found that the attending consultant was negligent in providing post-operative care and the Committee decided the following punishment:

- (i) The name of Dr. Alka Gupta be struck of from the Indian Medical Register as well as from the Register of State Medical Council for a period of **3(three) years**.
- (ii) Dr. Navita Kumari – a **warning** letter may be issued to her.
- (iii) Dr. Pooja – RMO (Jr. Resident) - a **warning** letter may be issued to her.
- (iv) The concerned State Govt. Authorities (Principal Secretary, Health and Family Welfare, Govt. of Delhi) who have given permission to this Max Hospital, Pitampura Delhi to function may be requested to take necessary action on the said hospital management for not having adequate infrastructure facilities necessary for appropriate care during the post-operative period which contributed substantially to the death of Mrs. Nikita Manchanda.

19. Ineligibility for the post of Sr. Resident at Jawaharlal Nehru Institute of Medical Sciences, Imphal – Reg.

The Ethics Committee considered the matter on table with regard to ineligibility of Dr. Khundongbam Bikramjeet Singh for the post of Lecturer at Jawaharlal Nehru Institute of Medical Sciences, Imphal and decided to ask the doctor concerned to appear before the next meeting of the Ethics Committee with all supportive documents.

New Delhi, dated: 27 /10/2012

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