

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 20th December, 2012 at 09:00 A.M. in the Council Office, Sector - 8, Pocket- 14, Dwarka, New Delhi – 77.

Present in the meeting:

1.	Prof. Sneh Bhargava	Chairperson
2.	Dr. Y.K. Gupta	Member
3.	Dr. Sanajy Gupte	Member
4.	Dr. Atul Sood	Member
5.	Dr. B.G. Tilak	Member
6.	Dr. Kumudini Sharma	Member
7.	Dr. Rama V. Baru	Member
8.	Dr. Sangeeta B. Desai	Member
9.	Dr. G.K. Sharma	Member

Dr. P.Prasannaraj

Addl. Secretary, MCI

Leave of absence were received from Dr. Raja Babu Panwar, Dr. V. Sakhuja and Mr. Amit Bansal (Advocate).

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

The minutes of the meeting of the Ethics Committee held on 20.11.2012 were read and confirmed.

2. Action taken on the previous minutes presented before the Ethics Committee on 27.10.2012.

The Ethics Committee noted that the minutes dated 27.10.2012 were yet to be approved by the Board of Governors and directed the Council to complete action on receipt of the same.

3. Appeal against order dated 04.06.2012 passed by Delhi Medical Council made by Mr.Suneel Kumar against Dr. C.M.Bhagat & Dr. Ahmed Raza. F.No. 205/2012

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The Ethics Committee considered the appeal of Mr. Suneel Kumar against order dated 04.06.2012 passed by Delhi Medical Council wherein the appellant Mr. Suneel Kumar has alleged medical negligence and professional misconduct on the part of Dr.C.M.Bhagat and Dr. Ahmed Raza. The Ethics Committee decided to call both the parties for hearing with all the medical records and supportive documents available with them in the subsequent meeting.

4. **Appeal against order dated 11.07.2012 passed by Rajasthan Medical Council made by Dr. Iqbal Khan (F.No. 203/2012)**

The Ethics Committee considered the appeal of Dr. Iqbal Khan against order dated 11.07.2012 passed by the Rajasthan Medical Council wherein the appellant Dr. Iqbal Khan was not satisfied with the ruling of the State Medical Council. The Ethics Committee decided to call both the parties for hearing with all the records and supportive documents available with them in the subsequent meeting.

5. **Suspension/cancellation of medical licenses of doctors convicted under the PC&PNDT Act.**

The Ethics Committee considered the matter of Suspension/cancellation of medical licenses of doctors convicted under the PC&PNDT Act as approved by the Central Supervisory Board under the Chairmanship of Hon'ble Minister of Health. In this regard, the Ethics Committee noted that communication dated 04.09.2012 has been sent by the Medical Council of India to concerned State

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Medical Councils to implement in the right earnestness the decision of Hon'ble Court as requested by the Central Supervisory Board.

Further, in this regard a reminder was sent by the Council vide letter dated 13.12.2012. The Ethics Committee noted that despite a reminder sent by the Council, no action has been taken by concerned State Medical Councils. Therefore, the Ethics Committee decided for sending one more communication to concerned State Medical Council requesting them to take action as directed by the Court and submit their action taken report on or before 15.01.2013.

6. **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 deferred the matter for the next meeting.

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

The Ethics Committee noted that the complaint of Mr. Narinder Kumar against Dr. Poonam Gupta pertains to surgery done by her in 2005 and he made his first complaint after more than 3 years and 8 months after the surgery. His complaints cannot be attributed to an eye surgery done 3 years and 8 months earlier. The examination of the eye done at Eye Care Hospital, revealed Epi-Retinal-Membrane (ERM) with Psedo -Macular Hole. The Ethics Committee further noted that this complication is not related to surgery performed, but it is Idiopathic or age related. Therefore, the Ethics Committee is of the

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opinion that there is no evidence of medical negligence attributed to eye care provided by Dr. Poonam Gupta.

8. **Appeal made by Dr. Arvind Poswal against Dr. Charu Sharma (F.No. 37/2012)**

The Ethics Committee considered the appeal of Dr. Arvind Poswal wherein the appellant Dr. Arvind Poswal was not satisfied with the ruling of the State Medical Council. The Ethics Committee decided to call both the parties for hearing with all the records and supportive documents available with them in the subsequent meeting.

The Ethics Committee considered the said matter and decided that both the parties be called for the next meeting.

9. **Appeals by Sh. Ramesh Kumar Khatri Numbardar against(1) Order dated 30.12.2011 passed by Delhi Medical Council (DMC) (2) Order passed by Haryana State Medical and Dental Council (HSMDC) dated 12.10.2011 and against (3) DMC for referring the complaint to HSMDC and no action by both Councils**

The Ethics Committee considered the matter with regard to appeal by Sh. Ramesh Kumar Khatri against (1) order dated 30.12.2011 passed by Delhi Medical Council (2) Order passed by Haryana State Medical and Dental Council dt. 12.10.2011 and against (3) DMC for referring the complaint to Haryana State Medical and Dental Council and no action by both Councils and noted that all the three appeals relate to care provided to Late Smt. Anita Khatri. As suggested by Ethics Committee opportunity to appear for hearing on 20.12.2012 was sent to following doctors:-

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Doctors of Saxena Multi Speciality Hospital, Sonipat

1. Dr. D.K. Srivastava.
2. Dr. Garima Sharma
3. Dr. Divya Saxena.

Doctors of Sethi Amar Hospital

1. Dr. Anurag Arora.
2. Dr. Anupama Sethi

Doctors of Ganga Ram Hospital

1. Medical Superintendent
2. Dr. Nitin

But only doctors from Ganga Ram Hospital appeared for hearing on 20.12.2012. The Ethics Committee considered the matter in detail including the submissions made by Dr. Suchita Katoch, Deputy Medical Superintendent, representative of Sir Ganga Ram Hospital and Dr. Pradeep Gupta, Emergency medicine provider in Ambulance on behalf of Sir Ganga Ram Hospital, Dr. Pradeep Gupta said that Dr. Nitin Kumar is no more working with them and they are not aware of his present address of his working place nor his residence.

Regarding further action, the Ethics Committee decided to call hearing to (i) Mr. Ramesh Kumar Khatri, (ii) Dr. D.K. Shrivastava, (iii) Dr. Garima Sharma, (iv) Dr. Divya Saxena, (v) Dr. Anurag Aroga and (vi) Dr. Anupama Sethi to appear before the Ethics Committee in the subsequent meeting failing which an ex-parte decision will be taken by the Ethics Committee.

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10. **Complaint against Dr. R. P. Singh, Eye Surgeon as alleged by Mr. P.C.Jain – Reg.**

The Ethics Committee noted that Dr. R.P. Singh was asked to be present on 20.11.2012 for the hearing with adequate advance notice and documents. On 20.11.2012, he did not appear and his advocate said that one of his parents is on ventilator and he has to take care. The Advocate was requested to provide documents which he failed to produce. The Advocate requested for one more opportunity to be given and assured that he will definitely be present on the next hearing.

Accordingly, the Ethics Committee agreed to his request on 20.11.2012 and an opportunity was given to Dr. R. P. Singh to appear for hearing on 20.12.2012. The said Doctor did not appear for hearing and rather went out of the country without any prior intimation to the Council. Further, he was represented by an Advocate without any vakalatnama. Despite repeated opportunities given on 22.09.2012, 20.11.2012 & 20.12.2012, Dr. R.P. Singh did not appear before the Ethics Committee. This indicates his non-cooperative nature and casual approach.

The Ethics Committee deliberated on the entire issue including the records available submission of the statement by Mr. P.C. Jain and observed as under:-

Following phacosurgery of Sh. P.C. Jain for cataract on his left eye by Dr. R.P. Singh there was posterior capsular rupture with lens matter falling in the vitreous and prolapse of vitreous in anterior chamber. The patient was not

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informed by Dr. R.P. Singh about the complication happened during the surgery. There was lack of communication on the part of the doctor after cataract surgery. The patient came to know about the complication from the other eye surgeons.

In the light of above, the Ethics Committee observed that Dr. R.P. Singh has violated professional conduct, Etiquette and Ethics Regulation, 2002 and decided that the name of the doctor be removed from the IMR for a period of six months.

11. 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 Ethics Committee observed that Dr. C.V.P.K.B.H. Subramaneyeswara Rao have not appeared nor send any representation nor intimate the Council of their non-compliance to the letter sent for hearing. The Ethics Committee deliberated on the matter and directed the Council to take necessary steps to trace Dr. C.V.P.K.B.H. Subrahmanyeswara Rao and sent appropriate communication for him to appear before the Ethics Committee at its subsequent meeting.

Dr. K. Jagadeesh who has requested to appear may be communicated that the final opportunity is being given to appear before the Ethics Committee.

The Ethics Committee heard Dr. T. Manjunath who appeared before the Ethics Committee and was given sufficient time and opportunity to provide his explanation regarding his working in Melmaruvathur Adiparasakthi Institute of Medical Sciences, Melmaruvathur. He submitted his written submission. The Written statement of said doctor is as under:-

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- “1. I submit that the allegation made against me in order to take action against me for the Professional misconduct, does not reveal the details facts.
2. I submit that I have not signed the false declaration form, appeared before the Medical Council of India and made a statement to the effect that I am a full time faculty member of the said medical college.
3. I have not committed any professional misconduct as enumerated in the rules that has been framed by the Medical Council of India in his code of conduct.
4. I submit that nobody has filed any complaint against me or any Institution including the CBI in respect of the alleged misconduct. Suo-motto enquiry by the Hon'ble Authority is not permissible under the Regulations, 2002.
5. I have signed the blank printed forms at the time of joining the said institution as a visiting Professor and Achiever looking into the Back Ground and their objects. I have accepted the proposal and put my signatures believing them as they are also belongs to my profession. I have not given any instruction to fill the printed forms such as Declaration form, joining report form and other documents.
6. I have not attended the Interview for the post of Professor on 04.01.2010, for that I did not meet Mr. Ramabhadra of the said college. I submit that my visit to that college was on 09.02.2010.
7. On that day they have requested me to work in the said college as visiting Professor and so also as an Advisor. In order to help the student community. I agreed to render my knowledge to them.

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8. I submit that on 10.02.2010 the college authority have paid a sum of Rs. 3,25,000 in cash to me, in turn I deposited the amount in my account on the same day . I am producing my Bank statement along with them. I have also declared the receipt of this amount in my IT Returns.
9. I submit that I have not received the monthly salary of Rs. 40,000 as found in the CBI statement or I have not received the monthly salary of Rs. 30,000 for the months of January & February, 2010 as revealed in colum No. 7B of the Declaration form.
10. I have not received the appointment order dated 04.01.2010, quarters allotment order dated 04.01.2010 and so also the joining report form dated 04.01.2010, the joining report form is not in my handwriting. As I have already stated that I have signed the Blank printed forms to the said college and the same has been misfiled by them for their illegal purposes. I further submit that all these documents are cached by the said college.
11. I submit that one Dr. Sridhar, Health consultant T.K. Koppal, mysore has approached and introduced me to the said college. Further he has requested me to show as a visiting faculty and so also to advice the said college in all respect. Looking into the profession I have accepted the same and jointed the said institution as visiting professor & advisor.
12. That on 09.02.2010 only they have taken my academic records.
13. I submit that the college management has declared me without disclosing the real fact. Believing them I had to undergo all these onwarranted & unimagined events.

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14. I submit that the inspection them members of the Medical Council of India did not questioned me or interview me at the time of inspection.
15. That I had joined Karnataka Medical Service and worked in different Govt. Hospitals. During the said service I have served sincerely & honestly the poor and needy patients of the society. I have achieved the distinction in the field of Orthopaedics by specsalising in 'ILIZARAO TECHNIC and LRS' external fixations. The Govt. of Karnataka and other social organization have recognized my service and awarded with many levels including Dr. B.R. Ambedkar Distinguished National Award in the year 2003 Karnataka Rajyotsava State Award in the year 1999.
16. That I have retired from Govt. services and even nos. I am discharging the service for the poor and needy at the age of 67 years. My service is very much required to the society as there is no one specialized in this particular field in Karnataka and I further undertake that I will dedicate my remaining service to the poor and needy people till my last breath.
- 16A In this college I used to visit once in a fortnight for the purpose of giving lecture and also advising them. In this fashion I worked for a period of one year
In view of my above submission I request the Hon'ble Authority to drop this proceeding and further obsove me from all liabilities under the Etiquette Rules in the interest of justice, equity & society.

All the facts stated above are true to the best of my knowledge and believe I swear that this is a true statement.

Statement submitted by CBI:-

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“I state that I am presently practicing on my own at Arunodaya Orth Care Centre, Ashraya Chambers, Sheshadri Alyer Road, Mandi Mohalla, Mysore since 1991.

I completed my MBBS from Karnataka Medical College, Karnataka University, Dharwad in the year 1976. My Registration Number is 16374 dated 28.04.1978. I did my MS in Orthopedics from Mysore Medical College, University of Mysore in 1991.

I joined Mysore Medical College as a Lecturer in 1980 and worked there till 1993. On completion of MS, I continued as Lecturer in Mysore Medical college and I worked there till 1999. I was further promoted as Asstt. Professor in 1993 which post I held till 1999. After this, I Became Professor and was posted in the same college till 30th June, 2005, when I retire.

After retirement I joined PES Instt. Of Medical Sciences and Research, A.P in May 2006, where I remained till Feb. 2007. Therefore, I worked in Karuna Medical College, Palakkad, Kerala during the period February, 2007 to November, 2007. After this, I worked in Narayana Medical College, Nellore from December, 2007 to December, 2008. From December 2008 till January, 2010, I had not worked any where.

On 04.01.2010, I had gone for an interview to SRM Medical college near Chennai. I could not make it in the said interview but I was told by someone to approach Melmaruvathur Adhiparasakthi Instt. Of Medical Science and Research, Melmaruvathur. Accordingly, I went to said college and met Shri Ramabhadran, official of the Administrative wing of the college, who conducted an interview

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and scrutinized my original documents and selected me. I joined the said college on the same day. I was offered NO. C-10 Doctors quarters of the college in the campus for stay.

I was offered a monthly salary of Rs. 40,000. My duty timings were three days a week from 9 AM to 1 PM. I have been paid salary by cash.

I am shown the cash voucher for Rs. 60,000 dt, 07.04.2010. Though the signature appearing on it is mine, I had not received this amount.

On being asked I state that fifty percent of my salary for the whole year was paid to me as advance before signing the declaration form and remaining fifty percent was paid after the Medical Council of India inspection on 29.03.2010. I had not asked for the same.

I had attended the Medical Council of India inspection held on 29.03.2010. However, I was not present in the inspection dated 16 February, 2010 because I was not regularly attending the hospital. About a week prior to the inspection, I was informed that I should be compulsory present in the college in the next few days as there would be an inspection by the Medical Council of India. This was informed by Sh. Ramabhadran working in the Administration Department and I remained present in the college for the next few days when the inspection team came.

I am shown the Medical Council of India declaration form for faculty dated 15.02.2010. the form has been filled by somebody else. I identify my signature on this. This shows my salary as Rs. 30,000 which is wrong.

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I have been also practicing in my home town during the period of working in Melmaruvathur Adhiparasakthi Instt. Of Medical Sciences & Research. I have been working at home earlier while in Govt. service also as the Karnataka Govt. has permitted private practice of doctors employed in medical college.

I am also shown the appointment order, quarters allotment letter and joining report all dated 04.01.2010. All these are related to my service in the above institution. I can identify my signature in the joining report.

By July 2010, I decided not to continue since I had personal problems and did not want to stay further and asked for being relieved from the college. Accordingly, I was relieved on 31st July, 2010. I am furnishing the Photostat copy of my relieving order duly attested for the purpose of investigation.

I was signing on the attendance register of the department during my tenure in the said college.

Observations of Ethics Committee:-

- He attended the college on 09.02.2010. On that day he stated the college authorities requested him to work in the college as a Visiting Professor and also as an advisor. He stated that he was paid the sum of Rs. 3.25 lakh.
- He stated that, he visited the college once in a fortnight for the purpose of giving lecture and also advise to the college authorities. In this fashion, he worked for a period of one year.
- In the declaration form signed by Dr. Manjunath T., it is clearly mentioned that the said doctor is working as full time faculty, but in the CBI statement he has mentioned that he was not regularly attending the hospital. He attended the

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hospital after being informed by Sh. Ram Bhadra working in the administration department to come during the MCI inspection on 29.03.2010.

He had accepted that the letter of appointment, joining letter belongs to him and he has identified his signature in the joining report as mentioned in CBI's report.

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. Manjunath, have come to the unanimous decision that Dr. T. Manjunath 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 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."

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The Ethics Committee is of the opinion that the Act of Commission on the part of Dr. T. Manjunath 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 India register for a period of five (05) years.

Dr. Chandan Jadhav (F.No. 15)

Statement submitted by CBI

"Statement of Dr. Chandan Jadhav N, S/o Shri Shri Lakshminarayan, (aged 30 years), Studying M.Ch. in Plastic Surgery in PGIMER, Chandigarh was earlier working in Department of General Surgery in Melmaruvathur Adhi Parashakthi Institute of Medical Sciences and Research, Tamil Nadu. R/o 140/2-1, 3rd block, 4th Main, Thyaraganagar, Bangalore-28, Phone # 09914535143.

State that I am as above. I did my MBBS from Dr. Ambedkar Medical College, Bangalore in the year 2004 and was registered vide registration No. 69295 dated 05.08.04 from the Karnataka Medical Council. I did PG in General Surgery June, 2009 from Bangalore Medical college.

I came to know from a friend of mine that Melmaruvathur Adhiparashakti Institute of Medical Sciences and Research, Tamilnadu was in need of faculty members. Accordingly, I contacted Shri Ramabhadran of the college through the phone number available on the net in February, 2010. I was told that the college was in need of staff and that they would appoint me as Senior Resident on a temporary basis. I was asked to come for a walk-in interview to which I agreed. I went for a walk-in interview on 02nd of March, 2010. The interview was conducted by the Medical Supdt., the HOD, Surgery and Shri Ramabhadran. During the interview, I was also told that there would be an inspection of the college by the MCI in March, 2010 and that after attending the inspection I would be made permanent and would be posted as Asst. Professor. The Medical Supdt. asked me to join on the first of March, 2010 and start working immediately. However, I asked for some time to join the college since I was in Bangalore and I needed time to shift. I told him that I was coming in 2 weeks' time. I started working in the college on 21.03.2010. The inspection was carried out on 29.03.2010 which I attended. During the inspection they checked my papers and asked as to where I passed my MS, etc. After the inspection, when I asked Shri Ramabhadran as to whether they would make me permanent, I was told that there were no vacancies. There were some other Doctors with me who also were promised similarly but to whom they failed to keep the promise. When we tried to approach the Trustee, he was unavailable. Since by then I felt that it was no point trying to talk to the office staff, I decided to resign and informed Shri Ramabhadran accordingly. He agreed and asked me to give me the resignation letter after which my accounts would be settled. I gave my resignation letter to the college and was paid Rs. 12,000/- @ Rs. 1200/- per day. I then left the college. When

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asked regarding my relieving letter, Shri Ramabhadran told me that I would be given the same by post. But inspite of repeatedly calling him, he did not send me the same.

Since by July, 2011, I got admission in M.Ch. course in PGI, Chandigarh, I did ' not bother to pursue the matter.

I am shown the Declaration form dated 02.03.2010 in which I identify my signatures at two places. Only page nos. 5 and 6 of the Declaration form was not filled up when it was given to me for signature. It was not filled up by me. The other pages of the form was not even shown to me. The salary particulars filled in were not known to me.

I am shown the appointment order, joining report form and quarters allotment order in my name all dated 02.01.2010. The joining report bears my signatures, which I identify. However, signature was taken on blank joining report from me. I have not been given copy of either the appointment order or quarters allotment order. I was given an accommodation in the round building during my stay there. I was told that the regular accommodation would be provided to me later.

I am shown the cash voucher towards salary dated 07.04.2010. This shows an amount of Rs. 28,000/- 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 Dr. Chandan Jadhav

I was appointed by word initially as Sr. Resident in General Surgery in MAPIMS, Tamil Nadu and was assured that the same would be promoted to Assistant Professor in General Surgery after the MCI inspection, which was scheduled in March, 2010. As the assured post of Assistant Professor in General Surgery was not given I discontinued on 30.03.2010.

I attended 08 days of work before inspection and 02 days after MCI inspection.

I was not working in any other college during this period of 2009-2010.

I have attended the college w.e.f. 21.03.2010 to 30.03.2010.

I attended outpatient services.

I attended MCI inspection on 29.03.2010.

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Member

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Member

I stayed in the doctors quarters for five days, however in the weekend in had left to me home town in Bangalore.

I had taken the cash of Rs. 1200/- per day (total of Rs. 12,000/- by cash)

I had not submitted Form-16.

After the inspection of MCI on 28.03.2010 the college authorities did not stand on their words or giving one post of Assistant Professor in General Surgery and asked me to continue as Sr. Resident. Hence he discontinued from the institute.

No declaration form/joining order have been signed by him and signature in these above said forms are not mine and forged.

I also providing evidence of his actual signature, by showing the original of his driving license to the Ethical Committee.

The Ethics Committee observed as under:

The Ethics Committee deliberated on the entire records and the statement submitted by the CBI authorities and Dr. Chandan Jadhav and concluded that Dr. Chandan Jadhav has not violated any norms as per Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002.

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

The Ethics Committee considered the matter and noted that Dr. K. Bikramjeet Singh qualified and was appointed as a Lecturer in the Sirjung Dental College according to the Dental Council of India in 2002. Subsequently, Dr. Singh appointed as a Senior Resident at Jawaharlal Nehru Institute of Medical Sciences, Imphal where the

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dental department is the part of the medical college. His appointment is in accordance with the prevailing norms of the medical college as a Senior Resident.

In view of above, the Committee decided that he has done no mistake.

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

Hon'ble High Court has directed

I am not entering into this issue, at this stage and keeping all contentions open for the parties to raise before the appropriate authority. The appropriate authority shall decide the complaint afresh after giving an opportunity of being heard to the petitioner and so also supplying all the materials, on which, they intend to rely upon for deciding the complaint, well in advance. The appropriate authority shall consider and decide the complaint as expeditiously as possible and preferably, within a period of ten weeks, from the date of receipt of this order.

In the circumstances, the petitioner – hospital shall not perform any human organ transplantation surgeries for a period of ten weeks from the date of receipt of this order. It is made clear that if fresh order is not passed by the Appropriate Authority within the stipulated time, the petitioner – hospital will be allowed to perform transplantation operations as per the registration certificate, which, shall not include other abdominal organs such as pancreas.

I hope and trust that the appropriate authority shall decide the complaint afresh within the stipulated time.

It is respectfully submitted that the Hon'ble High Court has directed the appropriate authority constituted under the Transplantation of Human Organs and Tissues Act, 1994 to decide the issue within a period of 10 weeks date of receipt of the order. Therefore, it would not be appropriate for the Ethics Committee to make any recommendation as far as the hospital is concerned while the matter is being adjudicated upon by the appropriate authority constituted under the relevant Act for licensing of Transplant Human Organ.

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