

NO. MCI-211(2)/2013-Ethics/

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

Minutes of the meeting of the Ethics Committee held on 23rd February, 2013 at 09.30 A.M. in the Council Office, Sector- VIII, Pocket- 14, Dwarka, New Delhi.

1.	Prof. Sneh Bhargava	Chairperson
2.	Dr. R. B. Panwar	Member
3.	Dr. Vinay Sakhuja	Member
4.	Dr. Sanjay Gupte	Member
5.	Dr. B.G. Tilak	Member
6.	Dr. Kumudini Sharma	Member
7.	Dr. Sangeeta B. Desai	Member
8.	Sh. Amit Bansal, Advocate	Member

Dr. P.Prasannaraj

Addl. Secretary, MCI

Leave of absence were received from Dr. Y. K. Gupta & Prof. Atul Sood, Dr. G. K. Sharma, Dr. Rama V. Baru.

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

The Minutes of the Ethics Committee meeting held on 22nd January, 2013 were confirmed.

02. Minutes of the last meeting of the Ethics Committee meeting held on 20th December, 2012 - Action taken there on.

The Ethics Committee noted the action taken by the office on the various items of the minutes of meeting of the Ethics Committee held on 20th December, 2012.

03. Appeal dated 27.10.2011 filed by Dr. Vipul Shah against Order dated 14.10.2011 passed by U. P. Medical Council & Appeal dated 18.11.2011 filed by Sh. Sudhir Kumar Shrivastava against the same order dated 14.10.2011 of U.P. Medical Council - reg.(F.No. 272/2011).

The Ethics Committee considered the appeal filed by Sh. Sudhir Kumar Shrivastava dated 01.11.2012 against Order dated 03.08.2011 passed by U. P. Medical Council. On the basis of the legal opinion of Sh. Amit Kumar, Retainer Advocate dated 04.05.2012, the Ethics Committee at its meeting dated 19.06.2012,

(Dr. R.B. Panwar)

(Dr. Vinay Sakhuja)

(Dr. Sanjay Gupte)

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(Prof. Sneh Bhargava) – Chairperson)

had decided that the State Medical Council did not have the jurisdiction to review its earlier decision. Therefore, appeal filed against the said order dated 14.10.2011 passed by the State Medical Council will not be maintainable and the complainant was directed to file a fresh appeal against the order dated 03.08.2011 passed by the U.P. Medical Council, before the Committee for taking suitable action.

After going through the fresh appeal dated 01.11.2012 filed by Sh. Sudhir Kumar Shrivastava, the Ethics Committee decided to call both the parties i.e. Sh. Sudhir Kumar Shrivastava, Appellant and Dr. Vipul Shah, Respondent for personal hearing with all the medical records and supportive documents available with them in the subsequent meeting.

The Ethics Committee noted that this item needs detailed study and decided that all records pertaining to the case be sent to one of the Ethics Committee Member for its presentation in the next meeting.

04. Appeal dated 14.01.2013 filed by Mrs. Shalini Gupta against Dr. Nikhil Raheja. (F.No. 459/2011).

The Ethics Committee considered the appeal filed by Mrs. Shalini Gupta against Order dated 30.08.2012 passed by Delhi Medical Council against Dr. Nikhil Raheja and after considering all the records, the Committee decided to call both the parties i.e. Mrs. Shalini Gupta, Appellant and Dr. Nikhil Raheja, Respondent for personal hearing with all the medical records and supportive documents available with them in the subsequent meeting.

The Ethics Committee noted that this item needs detailed study and decided that all records pertaining to the case be sent to one of the Ethics Committee Member for its presentation in the next meeting.

05. Appeal dated 29.12.2012 filed Mr. Murad Hasan Mulla against Dr. Muneer Sufi Mhaskar and Dr. Jaydeep Date - reg.(F.No. 517/2012).

The Ethics Committee considered the appeal filed by Mr. Murad Hasan Mulla against Order dated 29.10.2012 passed by Maharashtra Medical Council against Dr. Muneer Sufi Mhaskar and Dr. Jaydeep Date and noted that Maharashtra Medical Council vide its order dated 29.10.2012 held that *"the RMPs Dr. Mhaskar Munir and Dr. Date do not seem to have violated any of the provisions of the Codes of Medical Ethics, therefore, they are not inclined to proceed further in this matter, as no prima facie case has been made out. Maharashtra Medical Council is satisfied from the medical record and treatment universally adopted by the RMPs herein in treating the complainant for Urethral Stricture Diseases and both the RMPs deserve to be exonerated of the allegations leveled against them"*

After examining the appeal with attached documents, the Ethics Committee decided to call both the parties i.e. Mr. Murad Hasan Mulla, Appellant and Dr.

(Dr. R.B. Panwar)

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Muneer Sufi Mhaskar and Dr. Jaydeep Date, Respondent for personal hearing with all the medical records and supportive documents available with them in the subsequent meeting.

The Ethics Committee noted that this item needs detailed study and decided that all records pertaining to the case be sent to one of the Ethics Committee Member for its presentation in the next meeting.

06. Appeal dated 17.07.2012 filed Mr. Rishi Sabharwal against the letter dated 20.06.2012 of Delhi Medical Council - reg.(F.No. 245/2012)

The Ethics Committee considered the appeal filed by Mr. Rishi Sabharwal against the letter dated 20.06.2012 issued by Delhi Medical Council and noted that Delhi Medical Council vide its letter dated 20.06.2012 has informed the appellant that the complaint filed by him is not maintainable in terms of Rule 32 of Delhi Medical Council Rules, 2003.

After examining the appeal with attached documents, the Ethics Committee decided to call both the parties i.e. Mr. Rishi Sabharwal, Appellant and Medical Superintendent, Fortis Hospital, Vasant Kunj, Delhi alongwith treating physician namely Dr. Amit Shrivastava, who was involved in the treatment of late Sh. K. K. Sabharwal and the Doctor Incharge of Mahajan Imaging Center, Hauz Khas for personal hearing with all the medical records and supportive documents available with them in the subsequent meeting.

The Ethics Committee noted that this item needs detailed study and decided that all records pertaining to the case be sent to one of the Ethics Committee Member for its presentation in the next meeting.

07. Appeal dated 03.05.2012 filed by Sh. Wamanrao Vinayakrao Deshmukh against order dated 10.03.2012 passed by Maharashtra Medical Council - Reg. (F.No. 36/2012)

The Ethics Committee considered the appeal dated 03.05.2012 filed by Mr. Wamanrao Vinayakrao Deshmukh against order dated 10.03.2012 passed by Maharashtra Medical Council and noted that Maharashtra Medical Council vide its order dated 08.03.2010 held that *"no past history of any complaint against the RMP before the Council , therefore issue a letter of warning to Dr. Prasanna Deshmukh, RMP under Section 22(1)(a) of Maharashtra Medical Council act 1965 for Violation of Code of Medical Ethics as per Chapter I of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002 with direction that henceforth he should strictly follow the professional ethics..."*

After examining the appeal with attached documents, the Ethics Committee decided to call both the parties i.e. Mr. Wamanrao Vinayakrao Deshmukh, Appellant and Dr. Prasanna Deshmukh, Respondent for personal hearing with all

(Dr. R.B. Panwar)

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the medical records and supportive documents available with them in the subsequent meeting.

The Ethics Committee noted that this item needs detailed study and decided that all records pertaining to the case be sent to one of the Ethics Committee Member for its presentation in the next meeting.

08. Appeals dated 07.06.2012 & 10.09.2012 filed by Dr. Sudhir Kumar Thakur against Dr. Soumya Bhattacharya, Dr. Abhishek Bhaumik of Apollo Gleneagle Hospital, Kolkata- reg.(F.No. 663/2010)

The Ethics Committee considered the appeal dated 07.06.2012 and 10.09.2012 filed by Sh. Sudhir Kumar Thakur against Dr. Soumya Bhattacharya, Dr. Abhishek Bhaumik of Apollo Gleneagle Hospital, Kolkata alongwith the letter dated 14.02.2013 received from West Bengal Medical Council in the said case. After scrutiny of the letter dated 14.02.2013, it is found that the State Medical Council is seized of the matter and, therefore, they may be requested to expedite the matter .

As there is no provision to keep the appeal pending with the Council, the appeal is returned in original. If, any of the parties aggrieved by the decision of the State Medical Council, can approach this Council. .

9. Clarification as requested by Ms. Bindu M.V (F.No. 216/2008)

The Ethics Committee considered the matter and after considering all the records and the documents available, the Committee decided to call Dr. K. V. Babu and Dr. J. Rajagopalan Nair, State Secretary, IMA Kerala for personal hearing in the subsequent meeting.

10. 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 considered the 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. It is noted by the Council that out of 32 doctors, committee has considered and concluded the matter of 30 doctors. It is noted by the Committee that the Council has sent letters dated 13.07.2012, 10.10.2012, 08.11.2012, 09.01.2013 and 11.01.2013 followed by e-mails dated 11.10.2012, 08.11.2012 and 09.11.2012 to Dr. C.V.P.K.B.H. Subrahmanyeswara Rao with copy marked to the Dean/Principal, Melmaruvathur Adiparasakthi Institute of Medical Sciences & Research, Melmaruvathur, Tamil

(Dr. R.B. Panwar)

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(Dr. Sanjay Gupte)

(Dr. B.G. Tilak)

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Nadu with regard to necessary action to ensure the presence of Dr. C.V.P.K.B.H. Subrahmanyeswara Rao.

In response to above, Dr. C.V.P.K.B.H. Subrahmanyeswara Rao has sent a e-mail dated 04.01.2013 in which he has stated as under:-

"... my present address as directed (on phone conversation) by you, as you wanted to send me some letters from MCI also, as directed by you, I am confirming my address now by e-mail to you. Thank you very much for your kindness to talk to me before taking any action from MCI Ethics Committee. I'll be responding promptly to you as soon as I get further letter message from MCI."

Subsequently, a letter No. MCI-211(2)(CBI-17)/2012-Ethics./1522530-152531 dated 09.01.2013 was sent in the mentioned in his e-mail but he failed to appear before the Committee.

It is also noted that the Council has sent letters dated 12.07.2012, 10.10.2012, 08.11.2012, 09.11.2012 and 08.12.2012 followed by e-mails dated 08.11.2012 and 09.11.2012 to Dr. K. Jagadesh with copy mark to the Dean/Principal, Melmaruvathur Adiparasakthi Institute of Medical Sciences & Research, Melmaruvathur, Tamil Nadu with regard to necessary action to ensure the presence of Dr. K. Jagadesh. Subsequently, State Medical Council assistance was also sought vide letter No. MCI-211(2)(CBI-5)/2012-Ethics./143402-04 dated 09.11.2012 requesting them to ensure presence of Dr. K. Jagadesh before the Ethics Committee. A public notice with regard to above has been placed on the website of Medical Council of India as well newspaper to appear before the Ethics Committee at Council office with all the record/supportive documents but he has failed to appear on the last meeting as well as today's meeting. A public Notice was also published by the Council in the newspaper but he did not come before the Committee.

Dr. C. V.P.K.B.H Subrahmanyeswara(File No. 17)
Statement submitted by CBI in the matter of Dr. C. V.P.K.B.H
Subrahmanyeswara.

"

Statement of Dr.C.V.P.K.B.H. Subrahmanyeswara Rao, S/o Shri Arjuna Rao, aged 58 yrs., Associate Professor (General Surgery), working in Melmaruvathur Adiparasakthi Institute of Medical Science and Research, Melmaruvathur, Kancheepuram District, R/o Room No.C-I, I' Lakshmi Apartment, Melmaruvathur Medical College I-hospital, Melmaruvathur, Kancheepuram, District, Perm. Address: C/o Kishore Lavu, Plot No.1261, New No.22, Flat No,A-2, 2nd Floor, 19th Main Road, Anna Nagar, Chennai-40. No. Mobile No.09445393797.

I am as above. I joined Melmaruvathur Hospital on 20th June, 2009. I corirpleted my MBBS in the year 1975 from Guntur Medical College, Guntur and has been registered vide Registration No.6633 dated 07.09.1976 in Hyderabad Medical Council (now Andhra Medical Council). After completion of my MBBS, I joined Lady tlardinge Medical College, University of Delhi and passed M.S. in Surgery in the year, 1980. I did my M.Ch. in Urology from PGIMER, Chandigarh in the year, 1984. From 1984 to 1997, I was practising privately in Vijayawada, my home

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town. In June, 1997 I joined Mamta Medical College, Khammam from June, 1997 to September, 1999. Thereafter, I joined NRI Medical College, Chinakakani, near Mangalgi, 'Guntur Distt. where I worked from September, 2003 to January, 2006 as Asstt. Professor and Associate Professor. Thereafter, I worked in KIMS, Amalapuram, Distt. East Godavari, from 20.01.2006 to 22.02.2008 as Associate Professor. After that I joined GSL Medical College, Rajahmundry where I worked from 12.03.2008 to 15.06.2009 as Associate Professor.

I joined Melmaruvathur Adiparasakthi Institute of Medical Science and Research, Melmaruvathur after I came into contact with "Ammu" whose devotee I happened to be. He suggested giving my service to the devotees through the Medical College. Since I was not happy with the College where I was then working, I accepted the suggestion and started working there. It was agreed upon that I was to attend to the hospital on every Wednesday and Thursday and also any other day on which there would be emergency operation or class. My working hours would be from 8.00 AM to 2.00 PM during which I attend to Out-patients and also wards. I was asked to attend to the Hospital full time but I was not interested due to some personal problem, Since there is no Urology department, I worked under the Professor of Surgery department.

My salary is Rs. 45,000/- per month which I have been receiving it by cash till about six months back. I am shown the cash voucher containing the payment of Rs.45,000/- made to me which I confirm as containing my signature.

I am shown my Declaration form given to the MCI dated 13.2.2010. This has been signed by me and I confirm that the contents of the same are correct. The entries in the form are not in my hand writing.

I am shown the Appointment order, Joining report and Quarters allotment orders all dated 20.06.2009. I confirm that these papers are related to my employment. The Joining Report has been signed by me and bears my hand writing.

During February/March, 2010 I was working in the Melmaruvathur Adhiparasakthi Institute of Medical Science and Research, I was present during the inspection by MCI held in March, 2010 only. I was not present in the February 2010 inspection since I had gone to my native place to attend to some personal work.

I am shown the Attendance Registers of the faculty members of the Hospital. My signature is not seen in this since I was not required to do so and I was only reporting to the HOD.

On being asked I hereby state that I have not filed Income Tax Returns for the financial year 2010-11 since my income does not come under taxable limits. I also have the agricultural land which is also a source of income for me."

Observation of the Ethics Committee.

1. According to Declaration Form, Dr. C.V.P.K.B.H. Subrahmanyaswara had joined on 20.06.2009 as Associate Professor in the department of Surgery and his experience in various institutions is as under:-

(Dr. R.B. Panwar)

(Dr. Vinay Sakhuja)

(Dr. Sanjay Gupte)

(Dr. B.G. Tilak)

(Dr. Kumudini Sharma)

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S. No.	College/Institution	Designation & Department	Date of Joining	Date of Relieving
1.	Safdarjung Medical College, New Delhi	Registrar/Sr. Resident/Resident of Surgery	22.01.1977	21.01.1978
2.	Lady Harding Medical College, New Delhi	Tutor/Demonstrator of Surgery	01.04.1978	31.03.1980
3.	Lady Harding Medical College, New Delhi	Registrar/Sr. Resident/Resident of Surgery	16.04.1980	30.06.1982
4.	PGIMER, Chandigarh	Registrar/Sr. Resident/Resident of Surgery	01.07.1982	31.07.1984
5.	Mamtha Medical College, Khamam	Assistant Professor of Surgery	01.06.1997	03.09.1999
6.	NRI Medical College, Guntur	Assistant Professor of Surgery	02.09.2003	31.03.2004
7.	NRI Medical College, Guntur	Associate Professor of Surgery	01.04.2004	08.01.2006
8.	Konaseema Instt. Of Medical Sciences and Research, Amlapuram	Associate Professor of Surgery	20.01.2006	22.02.2008
9.	GSL Medical College, Rajamundry	Associate Professor of Surgery	12.03.2008	15.06.2009
10.	Melmaruvathur Adiparasakhti Instt. of Medical Sciences, Tamilnadu	Associate Professor of Surgery	20.06.2009	Not mentioned

Dr. C.V.P.K.B.H. Subrahmanyeswara has been working in different institutions for very short periods and he does not have the details of absent period i.e. 04.09.1999 to 01.09.2003.

2. In the Declaration form, he mentioned that he is a full time faculty but no documentary evidence are available that he has been a full time faculty and he has admitted in his statement to CBI that he was attending the hospital only two days in a week i.e. Wednesday & Thursday.
3. No signature were found on the attendance register.
4. Form 16 are not available. He was receiving salary in cash and No income tax return has been filed by him for the salary, which he has drawn from the college.

Despite repeated reminders sent to Dr. C.V.P.K.B.H. Subrahmanyeswara by the Council, he did not appear before the Ethics Committee.

The Ethics Committee after detailed deliberation and perusal of all the relevant documents, have come to the unanimous decision that Dr. C.V.P.K.B.H. Subrahmanyeswara has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following provisions of the regulations are concerned:-

(Dr. R.B. Panwar)

(Dr. Vinay Sakhuja)

(Dr. Sanjay Gupte)

(Dr. B.G. Tilak)

(Dr. Kumudini Sharma)

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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."

The Ethics Committee is of the opinion that the Act of Commission on the part of Dr. C.V.P.K.B.H. Subrahmanyeswara 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(IMR) for a period of 3 years.

The Ethics Committee perused the statements submitted by CBI in the matter of Dr. K. Jagadeesh.

Dr. K. Jagadeesh (File No. 5)

Statement submitted by CBI in the matter of Dr. K. Jagadeesh

".....I did my MBBS from Bellary Medical College in the year 1987 vide Registration No.KMC-25947 dtd. 10.04.1987. I did my MD in Medicine in the year 2003. After that, I was doing private consultation in different places at Bangalore around Ulsoor.

Some time in August 2009, I was first informed by some friends in my profession in Karnataka that there were vacancies in Medicine in Melmaruvathur Adhi Parashakthi Institute of Medical Sciences and Research, Melmaruvathur, Tamilnadu. Accordingly, I contacted Shri Ramabadhran, Administrative Officer of the College whose number was also going to me in this connection. Shri Ramabadran asked me to come over to Melmaruvathur along with my resume. I

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came to Chennai in August 2009 and . contacted Shri Ramabadhran, who collected my resume and other papers and asked me to sign a declaration form of 2010-2011 MCI inspection bearing my name. I did so and I was told that I would be informed about joining the college as and when the requirement arose. After that, I left the same day to Bangalore.

Sometime in October 2009, I was called by the Medical College to come to the college to attend an Inspection. I do not remember, which inspection it was. I came to Chennai and waited for about a week. However, there was no inspection and I came back after working during this period. I was staying in the round building at Melmaruvathur Medical College campus during the said period.

Sometime in the third week of March 2010, I was again called by Shri Ramabadhran, who asked me to come to the college for attending MCI inspection. I reached the college on 21st of March 2010 by Kingfisher Airlines as Shri Ramabadhran had promised to reimburse the flight charges. The inspection did not take place immediately and I waited for around 10 days. During this period, I was working as Sr. Resident in the OPD. On 29.03.2010, the inspection of the college took place. I attended the said inspection. During the said inspection, the Inspectors scrutinized the original documents compared them with the copies produced.

On the day prior to the inspection, Shri Ramatradhran came to the room and paid Rs.30,000/- in cash and told me that further amount would be given after completion of the inspection on the next day i.e. 29.03.2010. During the period of my stay in Melmaruvathur in March 2010, I kept on asking Shri Ramabadhran to fix my salary at Rs.45,000/- failing which, I would not continue. He did not give any positive response. On 29.03.2010, after the inspection also I tried to get in touch with him. However, since he was not interested in contacting me and since he was not responding to my calls, I left the college by train on my own expense and did not return as I found that my services were no longer required by the college after the MCI inspection.

I was offered a consolidated salary of Rs. 30,000/- per month.

I am shown the cash voucher dated 07.04.2010 for Rs. 28,000/-, in which there is no signature. The amount mentioned therein is slightly less than what I actually received.

As per the terms & conditions agreed upon, I was working from 0900 hrs, to 1300 hrs. during the period of my stay there.

I am shown my Declaration form given to the MCI dated 15.02.2010. This has not been filled-up by me. But this has been signed by me at two places. The date of declaration and all the other entries were made by the college. On 15.02.2010, I was not working in the said college.

I am shown the Appointment Order and Joining report dated 08.08.2009. I confirm that these are papers are related to my employment. I also confirm that I had signed the joining report dated 08.08.2009. The Income Tax due in respect of the

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period to which I had served in that institution has not been paid try me, since the amount involved is small and also I had to spend all the money on my boarding and lodging at the College.

I am shown the Attendance Registers of the faculty members of the Hospital. I have not been signing at all since nobody insisted on this.

From the data mobile phone, I confirm that calls were made to me from Melmaruvathur Medical College over the telephone numbers 27529730 &.27529253.”

The Ethics Committee observations:-

1. According to Declaration Form, Dr. K. Jagadeesh has been working from 08.08.2009 as Sr. Resident in the Department of Medicine.
2. In the Declaration form, he mentioned that he is a full time faculty but no documentary evidence are available that he has been attending regularly.
3. Since joining on 08.08.2009 he has admitted that he came to the college in October 2009 being called by Medical College to attend an inspection. He waited for a week and returned after a week as there was no inspection. He was staying in round building at Melmaruvathur Medical College campus during the said period.
4. In March-2010 being called by the college, he visited the college and stayed there for 10 days and left the college after the inspection dated 29.03.2010.
5. Although, he has signed the declaration form submitted to MCI dated 15.02.2010 but not filled by him and he was not working on 15.02.2010 for the said college.
6. Form 16 are not available. He is receiving salary in cash. No income tax return file for the same is available.

The Ethics Committee after detailed deliberation and perusal of all the relevant documents, have come to the unanimous decision that Dr. K. Jagadeesh 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

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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 noted that despite repeated reminders, he did not appear before the Committee and the **Ethics Committee decided that** a punishment of removal of his name from the concerned State Medical Council's register as well as the Medical Council India register(IMR) for a period of 1 year.

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

The Ethics Committee considered the appeal filed by Major Pankaj Rai against the order dated 02.06.2011 passed by Karnataka Medical Council and the Committee has taken note of the Order dated 24.01.2013 passed by the Hon'ble High Court of Karnataka in W. P. No. 16521/2012(GM-RES) filed by Major Pankaj Rai.

The Ethics Committee notes that it has already decided the appeal filed by Major Pankaj Rai on 27.10.2012. The decision has been duly communicated to all parties concerned.

12. 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 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. In an earlier case, decided by the Ethics Committee pertaining to Melmaruvathur Adiparasakthi Instt. Of Medical Sciences, Melmaruvathur, CBI report wherein after thorough investigation and hearing provided to all the doctors concerned, the recommendations to remove the names of the doctors found guilty of violation of

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Code of Medical Ethics were sent to concerned State Medical Councils for their necessary action. But, many State Medical Councils instead of implementing the decision taken by the MCI for removal of the name of erring doctors, they have started the process of investigation.

The Committee also noted that as per the prevailing practice any complaint against a doctor received by the Council is first referred to the concerned State Council where is registered for time bound investigation and necessary action. In case any party is aggrieved by the decision of the State Medical Council, he/she can appeal before MCI.

Therefore, the Ethics Committee decided to refer the matter for investigation to the concerned State Medical Councils/Dental Councils within the stipulated period of Six months with a copy marked to CBI agency with the request at their end to follow the matter with respective State Medical Council for timely completion of investigation with respective State Medical Councils/Dental Councils

The list of the doctors is given below for referring to the concerned State Medical Council/Dental Council for necessary action :-

Sl. No.	Name of the faculty/Doctors	Address	Registration no. & date	Name of State Medical Council
1.	Dr. M. Joseph Devadhasan, Associate Professor	S/o Late P. Moses, R/o No. 4/53, Nakeeran Street, Kurinchi Nagar, Madurai -625014. Mob. No. 9443015575	48235 03.12.1990	Tamil Nadu Medical Council
2.	Dr. Nilima Prakash Rao Patil - Assistant Professor	D/o Sh. Prakash Jaganatha Rao Patel, G-11/8, Kondhane SRTR Medical College Campus, Ambajogai, Jalgaon, Maharashtra	2002/06/2331 10.06.2002	Maharashtra Medical Council
3.	Dr. U.K. Singh - Professor	Principal, Teerthanker Mahaveer Medical College & Research Center, Delhi Road, Moradabad - 2434102, UP M: 9361019699	13947 22.01.1971	UP Medical Council
4.	Dr. Mridul Gogoi - Assistant Professor	Staff Quarters, Shri Sathya Sai Medical College Campus, Tirupura.	11457 06.08.1991	Assam Medical Council
5.	Dr. Thokchom Ibocha Singh -	Uripok Yambern Lekai & PO, Imphal - 795001,	36061 28.04.1977	West Bengal Medical

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	Assistant Professor	Manipur.		Council
6.	Dr. Ajith Gophode – Assistant Professor	Staff Quarters, Shri Sathya Sai Medical College Campus, Nellikuppam.	070982 01.03.1993	Maharashtra Medical Council
7.	Dr. Raguraman – Assistant Professor	S/o Sh. Sande Lingamaiah, Thimmapuram Village, Old Guntakal, Anathapur Distt, AP. – 515803.	36396 27.08.1994	Andhra Pradesh Medical Council
8.	Dr. Prabakaran. S. – Assistant Professor	S/o Sh. S. Sivarajan, 73/1, Ayyankulam Street, Thiruvannamalai.	39437 04.04.1985	Tamil Nadu Medical Council
9.	Dr. M. Raj Kumar – Associate Professor	S/o Sh. S. Mohandoss, 150-B, St. Marys Street, Puvalur Post, Lalgudi Taluk, Trichy Distt. – 621712.	60122 13.06.1997	Tamil Nadu Medical Council
10.	Dr. Sivarama Prasad – Associate Professor	S/o Sh. Lakshumaiah Sudhapalli, C/o M/s Chirag Builders, Apartment No. 44, RNA Broadway Avenue, Near Jangid Complex, Mira Road (East), Thane, Maharashtra.	2002/10/3489 09.10.2002	Maharashtra Medical Council
11.	Dr. S. Vasanth – Assistant Professor	S/o Sh. Dr. M. Shanmugam, Thiru – vika Street, Kasipalayam, Erode-2.	75123 20.08.2004	Tamil Nadu Medical Council
12.	Dr. K.V. Nagaraj – Assistant Professor	S/o Sh. K. Venkatachalam, No. 11-D, Jaishankar Colony, Hosur, Krishnagiri Distt. – 635109	74074 06.04.2004	Tamil Nadu Medical Council
13.	Dr. V.A. Gunasekara- Associate Professor	S/o Sh. Late Sh. C. Annamalai, No. 14/5C, Solaiamman Koli Street, Ayanavaram, Chennai – 23	39372 02.04.1985	Tamil Nadu Medical Council
14.	Dr. S. Palaniappan, Assistant Professor	S/o Sh. Senthilvel, A-Block, Flat No. 103, Almirah Gardens, Sakthi Srinivasa Salai, Thuraipakkam, Chennai.	47323 11.04.1990	Tamil Nadu Medical Council

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15.	Dr. Vinay Tulsiram Jadhav, Professor	S/o Sh. Tulsiram Bapu Rao Jadhav, Plot No. 275, Bhakti Nagar, Cidco, Aurangabad - 431003	54023 31.01.1985	Maharashtra Medical Council
16.	Dr. Arun Kumar S. - Assistant Professor	S/o Sh. S. Subramanian, No. 172, Arunagam, Erode Road, Perundurai, Erode - 638052.	77360 25.08.2005	Tamil Nadu Medical Council
17.	Dr. Nidhi Agarwal - Assistant Professor	Staff Quarters, Shri Sathya Sai Medical College Campus, Nellikuppam.	21715 17.12.2008	Delhi Medical Council
18.	Dr. B. Natarajan - Associate Professor	S/o Sh. M. Balasubramaniam, Old No. 3, New No. 50, General Muthaiah Street, Chennai - 79.	28788 17.01.1977	Tamil Nadu Medical Council
19.	Dr. M. Ramamurthy - Tutor	S/o Sh. P. K. Mahadevan, O- Block, Flat No. 4, Lyods Road, Lyods Colony, Seppakkam, Chennai - 14.	28146 09.06.1976	Tamil Nadu Medical Council
20.	Dr. M. Padma Sree - Assistant Professor	D/o Sh. M. Gopal Reddy, No. 2, Srivatsa, No. 25, K. V. Dasan Road, Teynampet, Chennai - 18.	47248 01.03.1990	Tamil Nadu Medical Council
21.	Dr. V. Devanathan - Sr. Resident	S/o Late Sh. M. Veerasamy, No. 351, MIG, Nakeeran Street, Maraimalai Nagar, Kanchipuram, Distt. 603209.	37577 19.07.1983	Tamil Nadu Medical Council
22.	Dr. D. Saravanan - Associate Professor	S/o Sh. M. Durai, Plot No. 2, 7 th Main Road, New Colony, Chromepet, Chennai - 44.	48618 13.02.1991	Tamil Nadu Medical Council
23.	Dr. V. Suresh - Associate Professor	S/o Sh. Venkatachala, No. 9, Rajan Nagar, Thirupalliyar, Cuddalore.	4819 06.07.2000	Tamil Nadu Dental Council
24.	Dr. M. Senthil - Assistant Professor	S/o Sh. V. Murugappan, Plot No. 1728, Door No. 8, Medam Apartments, Anna Nagar West, Chennai .	6235 23.08.2002	Tamil Nadu Dental Council

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25.	Dr. Jayshree Tulsiram Jadhav – Associate Professor	D/o Sh. Tulsiram Bapu Rao Jadhav, Plot No. 275, Bhakti Nagar, Cidco, Aurangabad – 431003	57140 12.12.1986	Maharashtra Medical Council
26.	Dr. K. Krishnakumar – Professor	S/o Sh. P. B. Kuppurajan, Easwari Appartments, Ground Floor, Parameswarai Nagar, Adyar, Chennai – 20.	25211 12.06.1974	Tamil Nadu Medical Council

13. Appeal against order dated 29.06.2012 passed by Delhi Medical Council made by Dr. Ms. Vanya Chugh against Dr. Tarun Mittal.(F.No.311/2012)

The Ethics Committee considered the appeal filed by Dr. (Ms.) Vanya Chugh against the order dated 29.06.2012 passed by Delhi Medical Council. Ms. Vanya Chugh alongwith her mother, Appellant and Dr. Tarun Mittal, Respondent, Sir Ganga Ram Hospital, New Delhi, both have appeared before the Ethics Committee.

The Ethics Committee heard the deposition of both the parties in detail and after going through & reviewing all the relevant records & documents, the Ethics Committee was of the view that the death of the patient was due to the known complications of surgery, although such complications are rare and there was no medical negligence on the part of the treating doctor i.e. Dr. Tarun Mittal. The Committee agreed with the decision of Delhi Medical Council and, therefore, **appeal is disposed off.**

14. Appeal against order dated 30.08.2012 passed by Delhi Medical Council made by Sh. Shashi Kant Sharma against Dr. Ajeet Kumar of St. Stephen Hospital, Delhi.(F.No. 250/2012).

The Ethics Committee considered the appeal filed by Sh. Shashi Kant Sharma against the order dated 30.08.2012 passed by Delhi Medical Council. Dr. Duggal, Medical Superintendent and Dr. Sandeepan of Deepak Memorial Hospital appeared before the Ethics Committee. The Ethics Committee further noted the following:-

1. Dr. Ajeet Kumar, CMO of St. Stephen's Hospital did not appear before the Committee.
2. The treating doctor i.e. Dr. Sanjay Kumar of Deepak Memorial Hospital did not appear before the Committee.
3. Incomplete records were submitted by Deepak Memorial Hospital authorities before the Committee.

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In view of above, the Ethics Committee decided that Dr. Ajeet Kumar of St. Stephen's Hospital and Dr. Sanjay Kumar, Deepak Memorial Hospital, who did not attend the hearing on 23.02.2013, may be given one final opportunity to be present before the Ethics Committee with all the records and documents pertaining to this case. If they failed to appear before the Committee in the next meeting, an ex-parte decision will be taken by the committee in the next meeting. The Hospital Authorities of Deepak Memorial Hospital also directed to submit the details of investigations, diagnosis, treatment provided to the patient prior to shifting to St. Stephen's Hospital.

A separate letter should also be sent to *Dr. Hozefea Vaikarya* to the address as provided by Deepak Memorial Hospital, to appear before the Ethics Committee alongwith complete records related to his academic qualification, registration and his employment.

15. Appeal made by Sh. Lalit Ratanlal Adtani against order dated 22.02.2012 passed by Gujarat Medical Council. (F.No. 204/2012)

The Ethics Committee considered the appeal filed by Sh. Lalit Ratanlal Adtani against the order dated 22.02.2012 passed by Gujarat Medical Council and noted the Committee has called Sh. Lalit Ratanlal Adtani for personal hearing to explain his complaint in detail but he has failed to appear today.

The Ethics Committee further decided that in the interest of the justice, a last final opportunity be given to the appellant Sh. Lalit Ratanlal Adtani to appear before the Ethics Committee to explain his complaint in detail. If, appellant failed to appear before the Committee in the ensuing meeting, an ex-parte decision will be taken by the committee.

16. Appeal against order dated 30.08.2012 passed by Delhi Medical Council made by Dr. Praphul Misra. (F.No. 251/2012)

The Ethics Committee considered the appeal filed by Dr. Praphul Misra, Consultant Cardiologist, against the order dated 30.08.2012 passed by Delhi Medical Council and the Ethics Committee noted that Dr. Praphul Misra, Appellant appeared before the Ethics Committee alongwith all the records.

The Ethics Committee heard the deposition of Dr. Praphul Misra in detail and after going through & reviewing all the relevant records & documents, the Ethics Committee observed that the Consultant, Cardiologist was not supported by adequate qualified staff to take critical care of the patients in the hospital, in the absence of the Consultant Cardiologist.

The Ethics Committee decided to issue a direction to Dr. B. L. Kapoor Hospital to ensure that an adequate team of qualified doctors and support staff are

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in place before any interventional cardiology management is contemplated. A separate letter should also be written to Directorate of Health Services, Delhi Administration, Govt. of NCT of Delhi, New Delhi, to monitor the availability of adequate number of qualified doctors and support staff before the hospital authorities undertake such interventional cardiological procedures. The Ethics Committee decided to uphold the decision of Delhi Medical Council for issuing warning to Dr. Praphul Misra. Hence, the **appeal is disposed off**.

17. Appeal against order dated 30.08.2012 passed by Delhi Medical Council made by Sh. K.L. Kumar against Dr. S.K. Sogani. (F.No. 248/2012)

The Ethics Committee considered the appeal filed by Sh. K. L. Kumar against the order dated 30.08.2012 passed by Delhi Medical Council and noted that Sh. K. L. Kumar alongwith his family members, Appellant and Dr. S. K. Sogani, Respondent, Indraprastha Apollo Hospital, New Delhi appeared before the Ethics Committee alongwith all the records.

The Ethics Committee heard the deposition of both the parties in detail and after going through & reviewing all the relevant records & documents, the Ethics Committee observed that pre-operative MRI would not have made any difference in the outcome of the treatment, however, there was a communication gap between the doctor and the patient. The Ethics Committee was of the view that there was no medical negligence on the part of Dr. S. K. Sogani, but advised the doctor that he should improve his communication with regards to doctor - patient relationship. **Accordingly, the appeal is disposed off.**

18. Appeal against order dated 08.03.2012 passed by Karnataka Medical Council made by Dr. Giridhar Patil. (F.No. 94/2012).

The Ethics Committee considered the appeal filed by Dr. Giridhar Patil made an appeal dated 13.05.2012 against the order dated 08.03.2012 passed by Karnataka Medical Council and noted that Dr. Giridhar Patil, Appellant and Mr. Anthony R. Rodrigues, Respondent appeared before the Ethics Committee alongwith all the records.

The Ethics Committee heard the deposition of both the parties in detail and after going through & reviewing all the relevant records & documents submitted by both parties, the Ethics Committee after detailed deliberation decided to uphold the decision of the Karnataka State Medical Council and accordingly, **matter is disposed off.**

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

The Ethics Committee considered the appeal filed by Dr. Arvind Poswal against Dr. Charu Sharma and noted that the Committee has called both the parties for personal hearing on 22.01.2013.

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The Counsel of Dr. Arvind Poswal, Appellant appeared on behalf of his client and presented the case. The Respondent, Dr. Charu Sharma did not appear before the Committee.

“Mr. Amit Bansal’s Opinion

“Sub:- Appeal filed by Dr. Arvind Poswal against the Order dated 07.12.2010 passed by Delhi Medical Council

It was brought to the notice of the Committee that Dr. Arvind Poswal preferred an appeal against Order dated 07.12.2010 passed by the Delhi Medical Council wherein, the Delhi Medical Council dismissed the complaint filed by Dr. Poswal against Dr. Charu Sharma.

Dr. Poswal had filed a complaint against Dr. Charu Sharma alleging that she had created two blogs and had been writing defamatory statements against him. Dr. Poswal substantiated his allegations by producing RTI reply dated 30.07.2010 given by Office of the Assistant Commissioner of Police, Cyber Crime Cell, PS EOW, Malviya Nagar, New Delhi. The Cyber Cell clearly mentioned in its reply that the IP Address 122.163.182.42, from which blogs were written, was allocated to Charu Sharma, E-261, Grnd. Floor, Greater Kailash, New Delhi-110048.

It is pertinent to state that the Delhi Medical Council in its order dated 21-07-2010 held that the appellant (DR. Poswal) cannot be absolved of professional misconduct. There are ample materials to connect the defamatory blog with the apppellant. The appellant cannot disown the defamatory blog by saying that his IP Address was open and strangers could have accessed to it. Also, the Delhi Medical Council relied upon the principle of preponderance of probability and held the appellant (DR. Poswal) guilty of professional misconduct. The Delhi Medical Council directed removal of the name of Dr. Poswal from the State Medical Council for a period of 2 weeks. This decision was confirmed by the Medical Council of India by its order dated 3-2-2011 and appeal filed by Dr. Poswal was dismissed by the Medical Council of India.

In the present appeal, from the RTI reply dated 30.07.2010 given by the Cyber Cell, it is clear that the blog was uploaded from an IP address belonging to Dr. Charu Sharma. Therefore, applying the above principles of ‘preponderance of probability’ that was applied against Dr. Poswal in the above complaint, the present. appeal of Dr. Arvind Poswal should be allowed and Dr. Charu Sharma be held guilty for misconduct. Ethics Committee has to be consistent in its approach

Sub:- Appeal filed by Dr. Arvind Poswal against the Order dated 02.02.2012 passed by Delhi Medical Council

Dr. Arvind Poswal preferred an appeal against Order dated 02.02.2012 passed by the Delhi Medical Council on the ground that the Delhi Medical Council took a very lenient view upon the complaint filed by Dr. Poswal against Dr. Charu Sharma and further, that Delhi Medical Council has no power to review its order.

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Dr. Arvind Poswal filed the present appeal against order dated 02.02.2012, vide which the Delhi Medical Council directed removal of name of Dr. Charu Sharma from the State Medical Council for a period of 1 week. However, a review committee was called on 07.02.2012 by the Delhi Medical Council, wherein, it was observed that the punishment awarded to Dr. Charu Sharma was very harsh and only a warning was given to her.

Delhi Medical Council has no power to review its own decision and once Dr. Charu Sharma was found guilty, the decision could not be reviewed. Further, the order dated 02.02.2012 was reviewed by the Council without issuing any notice to Dr. Poswal. Therefore, in these circumstances, the appeal filed by Dr. Poswal is justified.

I have studied in detail both the appeals and in my view these two appeals should be put up in the agenda of the next meeting in march and both the parties be called for the hearing. Thereafter, a decision may be taken."

In view of the above, the Ethics Committee decided to call both the parties for the hearing scheduled on 23.03.2013.

20. Appeal dated 28.12.2012 filed by Sh. Sunil Kumar against Dr. Ramesh Kumar Kamra and Dr. Urmil Dhatarwal-Reg (F.No.01/2012)

The Ethics Committee considered the appeal filed by Sh. Sunil Kumar against Dr. Ramesh Kumar Kamra and Dr. Urmil Dhatarwal. The Ethics Committee noted that Council has sent complaint of Sh. Sunil Kumar to Haryana Medical Council 14.04.2012 but after completion of 10 months, Haryana Medical Council failed to conclude the matter.

In view of above, the Ethics Committee decided to call both the parties i.e. Sh. Sunil Kumar, Appellant and Dr. Ramesh Kumar Kamra and Dr. Urmil Dhatarwal, Respondent for personal hearing with all the medical records and supportive documents available with them in the subsequent meeting.

The Ethics Committee noted that this item needs detailed study and decided that all records pertaining to the case be sent to one of the Ethics Committee Member for its presentation in the next meeting.

21. Appeal dated 11.12.2012 filed Dr. B.B. Sinha Rao Tula Ram Memorial Hospital, New Delhi against order dated 20.11.2012 passed by Delhi Medical Council-Reg (F.No. 485/2012)

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The Ethics Committee considered the appeal filed by Dr. B. B. Sinha against Order dated 20.11.2012 passed by Delhi Medical Council and noted that Delhi Medical Council vide its order dated 20.11.2012 held that *"in the light of the seriousness of professional misconduct committed by Dr. B.B.Sinha, issuance of just a warning to him, will not serve the interest of justice, hence, Council directs that name of Dr. B.B. Sinha be removed from the State Medical Register of Delhi Medical Council for a period of 30 days; stricture be recorded in State Medical Register of DMC. The Council further directed that Dr. B. B. Sinha be taken off the MLC duty. The Order directing the removal of name from the State Medical Register of DMC shall come into effect after 30 days from the date of the Order"*.

After considering all the documents and facts, the Ethics Committee, the Committee decided to call both the parties i.e. Dr. B. B. Sinha, Appellant and Sh. Ravinder Singh Dagar, Respondent for personal hearing with all the medical records and supportive documents available with them in the subsequent meeting.

The Ethics Committee noted that this item needs detailed study and decided that all records pertaining to the case be sent to one of the Ethics Committee Member for its presentation in the next meeting.

22. Suspension/cancellation of Medical Licenses of doctors convicted under the PC & PNDT Act.(F.No. 206/2012)

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 most of the states had already sent their replies which is noted by the Committee.

It is also noted by the Committee that despite repeated reminders Haryana & Gujarat Medical Council have failed to send the action taken report till date. A reminder for the both the state has already been sent by the Council on 18.02.2013.

The Ethics Committee decided that the matter of non compliance by various State Medical Councils may be referred to the Board of Governors for further necessary action.

23. Appeal dated 04.10.2012 filed by Sh. Ram Kumar against Order dated 06.08.2012 passed by U.P.Medical Council-Reg. (F.No. 335/2012)

The Ethics Committee considered the appeal filed by Sh. Ram Kumar against Order dated 06.08.2012 passed by U.P. Medical Council and noted that U.P. Medical Council vide its order dated 06.08.2012 held that *".. The Ethical Committee has observed that the hospital of Dr. Namita Agarwal was under construction, Dr. Namita Agrawal M.S. tried to provide medical treatment to the patient. Committee has also noticed the HB% of the patient was low 7.8 gm but Dr.*

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Namita Agarwal did not advise to transfuse the blood somehow attendant wanted blood transfusion before surgery but Dr. Namita Agrawal refused.

Dr. Namita Agrawal M.S. hereby is being strictly warned to make all the necessary arrangement for transfuse blood and should maintain proper case sheet, mention her Registration number in her prescription pad and taken proper consent as this is the first time her short coming in management of hospital as noticed."

After considering all the records, the Committee decided to call both the parties i.e. Sh. Ram Kumar, Appellant and Dr. Namita Agarwal, Respondent for personal hearing with all the medical records and supportive documents available with them in the subsequent meeting.

The Ethics Committee noted that this item needs detailed study and the same with all records was decided to be sent to one of the Ethics Committee Member for its presentation in the next meeting.

New Delhi, 23rd February, 2013.

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