DMC/DC/F.14/Comp.2139/2/2020/ 03rd December, 2021

**O R D E R**

The Delhi Medical Council through its Disciplinary Committee examined a representation from Police Station Jahangir Puri, Delhi, seeking medical opinion in respect of death of Master Sunny @ Sahil s/o Shri Anil Kumar, allegedly due to medical negligence on the part of the doctors of Babu Jagjivan Ram Memorial Hospital, Jahangir Puri, Delhi.

The Order of the Disciplinary Committee dated 13th October, 2021 is reproduced herein-below:-

The Disciplinary Committee of the Delhi Medical Council examined a representation from Police Station Jahangir Puri, Delhi, seeking medical opinion in respect of death of Master Sunny @ Sahil (the patient) s/o Shri Anil Kumar, allegedly due to medical negligence on the part of the doctors of Babu Jagjivan Ram Memorial Hospital, Jahangir Puri, Delhi (referred hereinafter as the said Hospital).

The Disciplinary Committee perused the representation from Dy. Commissioner of Police, complaint of Shri Anil Kumar, written statement of Dr. Pratibha Nanda, Medical Superintendent of Babu Jagjivan Ram Memorial Hospital enclosing therewith written statement of Dr. Tarun Kr. Ravi, HOD Paediatrics, Dr. Raj Kumar Aggarwal, Medical Officer, Dr. Birender Kumar, Paediatric, Senior Resident, Dr. Sakshi Sharma, Junior Resident, Mr. Hazari Lal, Nursing Officer, copy of medical records of Babu Jagjivan Ram Memorial Hospital and other documents on record.

The following were heard in person :-

1) Shri Anil Kumar Complainant

2) Smt. Geeta Wife of the Complainant

3) Shri Dinesh Kumar Brother-in-law of the Complainant

4) Dr. Tarun Kr. Ravi Specialist Paediatrics, Babu Jagjivan Ram Memorial Hospital

5) Dr. Raj Kumar Aggarwal Medical Officer Paediatrics, Babu Jagjivan Ram Memorial Hospital

6) Dr. Birender Kumar Paediatrician, Babu Jagjivan Ram Memorial Hospital

7) Dr. Sakshi Sharma Junior Resident, Babu Jagjivan Ram Memorial Hospital

8) Ms. Shabnam Nisha Mansuri Nursing Officer, Babu Jagjivan Ram Memorial Hospital

9) Shri Hajari Lal Nursing Officer, Babu Jagjivan Ram Memorial Hospital

10) Dr. Sanjay A Lakra H.O.O., Babu Jagjivan Ram Memorial Hospital

As per the representation from the Police, it is submitted that on 24th June, 2017, the police received a complaint of Shri Anil Kumar r/o, K-1983, Jahangir Puri, Delhi, in which the complainant made the allegation of negligence by the Babu Jagjivan Ram Memorial Hospital, alleging that a boy Sunny @ Sahil (the patient) s/o Shri Anil Kumar aged 12 years was treated in the hospital on 19th June, 2017, but the doctors and other staff did not treat him properly, resulting in above patient expiring later-on. The patient was cremated on 20th June, 2017 at Azadpur Samshan Ghat by his parents, so the post-mortem of the dead body could not be conducted. The parents did not make any complaint before the cremation. It is, therefore, requested that a report in this regard may be given to the Police Station Jahangir Puri, whether there is any negligence or otherwise, so that legal action, could be taken on the above complaint.

The complainant Shri Anil Kumar alleged that that his son (Sunny @ Sahil) died due to failure on the part of the doctors of the Babu Jagjivan Ram Memorial Hospital in admitting the patient, inspite of him presenting there on two occasions.

Dr. Pratibha Nanda, Medical Superintendent, Babu Jagjivan Ram Memorial Hospital in her written statement averred that the patient Master Sunny, 12 years male child reported on 19th June, 2017 at 04.55 a.m. with emergency registration number BJRE-121043 at Paediatrics Emergency Department. The patient was examined by Dr. Sakshi Sharma (Junior Resident on duty) and was advised the treatment and due injections from the nursing officer, and then report back again for review, but the patient did not turn-up. The patient again reported after two hours with complaint of vomiting. On history taken by Dr. Sakshi Sharma again, it was informed by the parents that the patient took heavy food (parantha) at home. Dr. Sakshi Sharma tried to call duty senior resident Dr. Birender Kumar, but he was busy in the nursery and, therefore, the parents were advised to wait for a few moments. However, the parents took the child from the Pades. Emergency without informing Dr. Sakshi Sharma or any other hospital staff on duty. Hence, no medical records are available in respect of the patient Sunny in this hospital. After detailed examination and overview of comments, it seems and to the best of her (Dr. Pratibha Nanda) knowledge that the doctors and the nursing officer discharged their duty with uttermost care and dedication to their profession. There is nothing to suggest that there was a lapse/negligence/carelessness on the part of the treating doctor/nursing officer till the patient was in Babu Jagjivan Ram Memorial Hospital.

Dr. Sakshi Sharma, Junior Resident, Babu Jagjivan Ram Memorial Hospital in her written statement averred that she was on emergency duty in paediatric department on 18th June, 2017 at night. She was examining all the patients and furnishing the prescription as routine. At around 05.00 a.m. (approx.), one patient named Sunny came in Paediatric Emergency. The patient presented to her alongwith the attendants. It was observed that the patient came on his own and seems to be stable. During the examination, it was informed that the patient had three-four episode of vomiting alongwith fever. On further examination, the patient’s temperature was recorded as 102 degree F. The vitals were stable and per abdomen was soft, non-tender. Considering all above, she prescribed the patient an injection Emset and oral medication for fever and vomiting. With the prescription note, she directed them to go to the concerned nursing staff to take an injection and medicine and revert back to her after half an hour to observe for post-medication status. Here, it is to be noted that as per advice, the patient did not turn-up. However, after about two hour, the patient came to her with the complaint of further vomiting. On conversation, it was understood that the patient had left for home after taking injection and medicine without recheck. She also came to know that the patient had taken some heavy food in the meantime and this was the reason for further vomiting. This time, she tried to call on duty SR (Senior Resident). But, he was busy in the nursery. Therefore, she asked the patient and the attendants to wait, but they left without her knowledge.

Dr. Birender Kumar, Paediatric, Senior Resident, Babu Jagjivan Ram Memorial Hospital in his written statement averred that he was working as senior resident in paediatric department and emergency duty on 18th June, 2017 at night in paediatric department. As nursery (NICU) department was very busy with one patient on CPAP (ventilator) and three and four patients on oxygen. So, he had not seen the patient.

Dr. Tarun Kr. Ravi, HOD Paediatrics, Babu Jagjivan Ram Memorial Hospital in her written statement averred that after detail examination and review of the comments, it seems and to the best of his knowledge that the doctors and the nursing officer discharged their duty with uttermost care and dedication to their profession. There is nothing to suggest that there was a lapse/negligence/carelessness on the part of the treating doctors/nursing officer till the patient was in Babu Jagjivan Ram Memorial Hospital.

Dr. Rajkumar Aggarwal, Medical Officer, Babu Jagjivan Ram Memorial Hospital in his written statement averred that he is working as Medical Officer in Paediatrics Department. Further, he was Link Officer to HOD Paediatrics as he was on casual leave from 13th June, 2017 to 19th June, 2017; morning, he had not received any emergency call from the Senior Resident as well as junior resident of the paediatric department on 18th June, 2017 and 19th morning.

Shri Hazari Lal, Nursing Officer, Babu Jagjivan Ram Memorial Hospital in his written statement averred that on 18th June, 2017, he was on night duty till the morning of 19th June, 2017 at 08.00 a.m. He administered the treatment as per the direction of the doctor on duty.

Ms. Shabnam Nisha Mansuri, Babu Jagjivan Ram Memorial Hospital stated that on 18th June, 2017, she was on night duty till the morning of 19th June, 2017 at 08.00 a.m. She administered the treatment as per the direction of the doctor on duty.

In view of the above, the Disciplinary Committee observes that that the child (the patient) was examined and treated appropriately in the casualty of the said Hospital. During the first visit at the said Hospital, the child was given treatment for fever and vomiting and was advised to wait for review. However, the parents of the child took the child home. Since the child again had some problem, the parents brought him back to the said Hospital but no documents showing the re-entry and further examination/treatment in the said Hospital are available. During the hearing and as per the written reply received, the doctors told that the grandmother of the child approached her (Dr. Sakshi Sharma) saying that the child is not well and again having vomiting; she only doctor (Junior Resident) then asked them to wait and tried to inform her Senior Resident about this patient. However, the Senior Resident on duty was busy in NICU and before he could come and examine the child, the parents had left the said Hospital without informing the doctors.

In light of the observations made herein-above, it is the decision of the Disciplinary Committee that no medical negligence can be attributed on the part of the doctors of Babu Jagjivan Ram Memorial Hospital, in the treatment administered to the Master Sunny @ Sahil.

Matter stands disposed.

Sd/: Sd/: Sd/:

(Dr. Maneesh Singhal) (Dr. G.S. Grewal) (Shri Bharat Gupta)

Chairman, Delhi Medical Association Legal Expert,

Disciplinary Committee Member, Member,

 Disciplinary Committee Disciplinary Committee

Sd/:

(Dr. A.P. Dubey)

Expert Member,

Disciplinary Committee

The Order of the Disciplinary Committee dated 13th October, 2021 was confirmed by the Delhi Medical Council in its meeting held on 02nd November, 2021.

 By the Order & in the name of

 Delhi Medical Council

 (Dr. Girish Tyagi)

 Secretary

Copy to :-

1. Shri Anil Kumar, r/o, K-1983, Jahangir Puri, Delhi-110033.
2. Dr. Tarun Kr. Ravi, HOD, Paediatrics, Through Medical Superintendent, Babu Jagjivan Ram Hospital, Jahangirpur, Delhi-110033.
3. Dr. Raj Kumar Aggarwal, Medical Officer, Through Medical Superintendent, Babu Jagjivan Ram Hospital, Jahangirpur, Delhi-110033.
4. Dr. Birender Kumar, 143, Town/Village otipur, Anchal Tajpur, District Samstipur, Bihar-848130.
5. Dr. Sakshi Sharma, 106, Aashiyana Apartment, Shanti Path, Jawahar Nagar, Jaipur, Rajasthan-302004.
6. Medical Superintendent, Babu Jagjivan Ram Hospital, Jahangirpur, Delhi-110033.
7. Dy. Commissioner of Police, North West District, Delhi, Office of the Dy. Commissioner of Police, North West District, Delhi, B3-5, Deep Cinema Rd, Wazirpur, Phase 2, Ashok Vihar, Delhi, 110052-w.r.t. letter No.4627/SO/DCP/NW Distt. dated, Delhi, the 29.06.2017-**for information**.
8. SHO, Police Station Jahangir Puri, New Delhi-110033-Ref.-No. 2216/SHO/Jh Puri ated 22/06/20217-**for information**.

 (Dr. Girish Tyagi)

 Secretary