DMC/DC/F.14/Comp.2660/2/2021/ 28th September, 2021

**O R D E R**

The Delhi Medical Council through its Executive Committee examined a reference from Directorate General of Health Services, Govt. of NCT. of Delhi seeking investigation into complaint of Shri Ghulam Qadir Dhar r/o- Banamsar, Sonwar Bagh, Sri Nagar, Kashmir 190001 against Lama Medical Centre, Malviya Nagar, New Delhi.

The Order of the Executive Committee dated 22nd September, 2021 is reproduced herein below:-

“The Executive Committee of the Delhi Medical Council examined a reference from Directorate General of Health Services, Govt. of NCT. of Delhi seeking investigation into complaint of Shri Ghulam Qadir Dhar r/o- Banamsar, Sonwar Bagh, Sri Nagar, Kashmir 190001 (referred hereinafter as the complainant) against Lama Medical Centre, Malviya Nagar, New Delhi.

The Executive Committee perused the complaint of Shri Ghulam Qadir Dhar, written statement of Dr. Neelu Chhabra, Dr. Sanjay Hak, of Lama Medical Centre, copy of medical records of Lama Medical Centre and other documents on record.

The following were heard in person:-

1. Dr. Sanjay Hak Chief Physician, Lama Medical Centre
2. Dr. Neelu Chhabra Pathologist, Lama Medical Centre
3. Shri Dinesh Bhatt Director, Lama Medical Centre

The complainant failed to appear before the Executive Committee; inspite of notice. In the interest of justice, the Executive Committee decided to proceed with the matter in order to determine it on merits.

The complainant alleged that his son Shri Waqar Qadir was examined by Dr. Sanjay Hak in Lama Medical Centre and was given wrong medical report due to which his son lost a job opportunity in abroad. After two weeks after receiving the medical report from the Lama Medical Centre which was signed by Dr. Sanjay Hak, Shri Waqar Qadir’s got himself re-tested from a another laboratory, Dr. Lal Path Lab, Delhi which reported the opposite test result to that of the report issued by Dr. Sanjay Hak. Thus, the cause of action arose due to allegedly wrong medical investigation by Dr. Sanjay Hak. The complainant seeks the relief through cancellation of medical practitioner license of Dr. Sanjay Hak for allegedly giving a deliberately incorrect medical report.

Dr. Neelu Chhabra, Pathologist, Lama Medical Centre, was examined by the committee. She stated that Lama Medical Centre is a GHC (Gulf Health Council) approved health centre/laboratory since 2010. The center is authorized for conducting medical examination for candidate going to Gulf Countries. According to their protocol, they do medical check-up for expatriates for following tests HIV, HBsAg, Anti HCV, VDRL along with other Haemotological and Biochemistry tests. Candidate Shri Waqar Qadir was tested for all on 27.12.2017. His HBsAg value was 58.05 cut off value was (0.7) so, they asked for a fresh sample which came on 10.01.2018. His HBsAg was 0.876 (cut off value was 0.7). So the candidate was deemed unfit for employment in Oman for the job of cashier on the basis of this screening test as per the criteria laid by GHC. Medically unfit cases, include infectious diseases such as HIV Positive (AIDS), Hepatitis (B) Surface Antigen Positive, Hepatitis C Antibody-Positive, Microfilaria and Malaria, Leprosy and any abnormal chest x-ray manifestations including, but not limited to: active or past evidence of TB. He was further advised to seek advice of a gastroenterologist and get himself tested for Hepatitis B core antibody (anti-HBc), immunoglobulin M (IgM) as the presence of anti-HBc alone might indicate acute, resolved, or chronic infection or a false-positive result. After this it is totally the wish of candidate to get further testing done, they can only advice them for further investigations and treatment. After this Shri Qadir did not approach them for further testing, but straight away sent them a notice through Directorate General of Health Services and Delhi Medical Council. These are just screening tests they always ask them to go for a confirmatory test after they are unfit in any one of these, few candidates agree for further testing, few don’t. But according to GCC rules they could not give fit till their analyser value is less than 0.7. But this is the first time a case has been filed against them. They are ready to help their candidates in best possible ways whether it’s further testing or whether its treatment advised.

Dr. Sanjay Hak, Chief Physician, Lama Medical Centre stated that he does not know the candidate Shri Waqir Qadir personally, so saying that he gave wrong medical report deliberately and intentionally is unfair. The Lama Medical Centre charges only that fee from the candidate which was decided by GCC, no other money is taken from any candidate as said in the complaint. He just gives the report whether he/she is fit/unfit. The candidate was declared unfit under GCC criteria not for other job. It is the policy of Lama Medical Centre to repeat the test twice if any minor aberration is found. In this case they repeated the test twice and value was in range of 0.87 - 0.88 and validity of report was for a period of 6 months. After the validity period of medical report, candidate was free to apply for the same. Now four years have passed since his test. They follow only GCC rules & regulation as per their guidelines. Lama Medical Centre is a GCC recognized organization and have been there since year 2010. This is the first time that complainant has been lodged and concerned person is only interested in getting some money and harassing them. First he complained in 2018 in DGHS and didn’t come to hearing. They went and waited for three hours for him to come but he did not. He sincerely request Delhi Medical Council not to pay any attention to this complaint.

In view of the above, the Executive Committee makes the following observations:-

1. The patient Shri Waqar Qadir a 33 years old male was examined by Dr. Sanjay Hak of Lama Medical Centre where he was reported as HBsAg reactive(ELISA method) on 26.12.2017. Repeat test at LAMA Centre revealed declining trend of test results. Further, repeat blood test was conducted by Dr. Lal Path Lab on 12.01.2018 and reported as HBsAg non reactive. In both labs the test were qualitative and run by different techniques as per standard methods and results were machine generated.

1. As a part of natural history of disease previous positive HBsAg patient can seroconvert to HBsAg negative in due to course of illness.
2. To establish the fact whether the patient was really infected or later seroconverted to negative, additional tests were required which have not be done.

In light of the observations made herein-above, it is the decision of the Executive Committee that no medical negligence can be attributed on the part of doctors of Lama Medical Centre, Malviya Nagar, New Delhi.

Complaint stands disposed. “

Sd/: Sd/: Sd/:

(Dr. Arun Kumar Gupta) (Dr. Raghav Aggarwal) (Dr. Ashwini Dalmiya)

Chairman, Member, Member,

Executive Committee Executive Committee Executive Committee

Sd/: Sd/: Sd/:

(Dr. Saudan Singh) (Dr. Vikas Manchanda) (Dr. P.Kar)

Member, (Expert Member) Expert Member

Executive Committee Executive Committee ExecutiveCommittee

Sd/:

(Dr. Shyam Lata Jain)

Expert Member

Executive Committee

The Order of the Executive Committee dated 22nd September, 2021 was confirmed by the Delhi Medical Council in its meeting held on 23rd September, 2021.

By the Order & in the name of Delhi Medical Council

(Dr. Girish Tyagi)

Secretary

Copy to:

1. Shri Ghulam Qadir Dhar r/o- Banamsar, Sonwar Bagh, Sri Nagar, Kashmir 190001.
2. Dr. Sanjay Hak, through Medical Director, Lama Medical Centre, R-4, Khirki Extension, Near Women Polytechnic, Malviya Nagar, New Delhi-110017.
3. Director, Lama Medical Centre, R-4, Khirki Extension, Near Women Polytechnic, Malviya Nagar, New Delhi-110017.
4. Dr. M.P. Singh, Officer In-Charge, PG Cell, Directorate General of Health Services, Govt of NCT of Delhi, F-17, Karkardooma, Delhi-110032.(w.r.t. No. F.23/37/DHS/PG Cell/2017/137 dated 23.01.2019)-for information.

(Dr. Girish Tyagi)

Secretary