

File No.906/12

The complaint of applicant Bindeshwari Prasad is that his wife Saroj Devi died due to medical negligence on the part of the doctors and staff of Jagdish Memorial Hospital, Patna for which penal action should be taken against the hospital management and fine should be imposed on the doctors.

The hospital management has filed copies of the hospital record showing the medical status of Saroj Devi, her test reports and the treatment provided to her from time to time. The Health Department has also submitted inquiry report of the committee of doctors.

The matter was heard on different dates and, finally, on 18.4.2013 in presence of the applicant, Dr. Alok Kumar who appeared on behalf of Jagdish Memorial Hospital and Dr. Arvind Kumar Sharma, Deputy Director, Health Services, who appeared on behalf of the Health Department.

The case of the applicant is that as per the death certificate issued by Indira Gandhi Institute of Medical Sciences (IGIMS) on 8.10.2011 the cause of her death was septicaemia. She developed the problem in course of treatment in Jagdish Memorial Hospital but she was not treated for the same. It was stated that at the time of her admission in the Jagdish Memorial Hospital on 31.8.2011 her albumin level was very high (+++) and the acidic substance was increasing. This, according to the applicant, led to septicaemia. Dr. Arvind Kumar Sharma stated that as per the findings of the enquiry committee Saroj Devi died of multiple organ failure. He gave details as to how the organs failed to function one after the other leading to her death.

It may be difficult for the Commission to record any finding on the point of alleged medical negligence which requires a fair degree of medical knowledge. It is however the admitted position that after 21 days stay in the hospital Smt. Saroj Devi was discharged on 21.9.2011. She was thereafter taken to her house. After about ten days her condition deteriorated and then she was taken to IGIMS. The specific case of the hospital management is that during her stay in the hospital and as a result of treatment, her condition had considerably improved and basic parameters were under control. Since there was no possibility of further improvement she was discharged from the hospital. Applicant at that time made no protest. Dr. Alok Kumar referred to hospital records to show that Smt. Saroj Dei had responded to the medicines and her condition had improved.

Having regard to the description of her medical condition at the time of discharge the Commission is inclined to think that her condition was far from normal. But then, perhaps, there was no scope for further improvement. At least this is what the hospital management thought. Be that as it may, if Saroj Devi stayed at home for ten days and developed complications and she was taken to IGIMS for treatment on 5.10.2011. She died on 8.10.2011. It cannot be conclusively said that the treatment she received in Jagdish Memorial Hospital was cause of her death.

The applicant kept harping on the so called discrepancy between the findings of the Jagdish Memorial Hospital and the death certificate issued by the IGIMS. But as pointed out by Dr. Arvind Kumar Sharma, there is no material discrepancy between the two. Jagdish Memorial Hospital does not deny the fact that Smt. Saroj Devi had developed septicaemia but claims that she was treated in the hospital for the same. In these circumstances, if septicaemia is mentioned

as the antecedent cause of her death in the death certificate by the IGIMS, Jagdish Memorial Hospital cannot be accused of hiding this fact.

Having said thus far, being of the view that this Commission does not have the knowledge and expertise to reach any conclusion – one way or the other – on the point of medical negligence, it would be difficult to record any finding in favour of the applicant that there was medical negligence on the part of the hospital management which led to her death.

In the result, the Commission is not inclined to pursue this matter further. The file is therefore closed.

Copy of this order may be sent to (i) applicant (ii) Director-in-Chief, Health Services, Bihar and (iii) Director, Jagdish Memorial Hospital, Kankerbagh, Patna.

Date: 18.04.2013

Justice S.N. Jha
Chairperson