

20-05-2022
ct no. 13
Sl. 5
sp

WPA 6026 of 2022

Smt. Santi Das Bhowmick
-Versus-

The State of West Bengal & Ors.

**Mr. Goutam Brahma,
Mrs. Pampa Saha,
Mr. Arijit Dey**

...for the petitioner

**Mr. Ashim Kr. Ganguly,
Mr. Bellal Shaikh**

...for the State

**Mr. Jayanta Dasgupta,
Mr. Balaram Patra,
Mr. Ritesh Maity**

...for the respondent nos. 4 and 5

Despite service of notice, the added respondent Kalpana Das is not represented.

It is submitted by the counsel for the petitioner that notice of upgradation was attempted to be served yesterday, but was refused. The letter dated May 19, 2022, addressed by the petitioner's advocate to the respondent Kalpana Das, is also kept with the record along with affidavit of service dated May 6, 2022. Further affidavit of service shall be filed in course of the day.

The petitioner's brother died on June 24, 2021 at the Belle Vue Clinic, which is a reputed

hospital in Kolkata. The deceased was under the care and guidance of his wife, Kalpana Das.

The petitioner is suspicious as regards the cause of death of her brother and in that view of the matter, had addressed communication to the Belle Vue Clinic for supply of the documents relating to her brother's medical treatment. The Belle Vue Clinic refused to do so in view of an email, communication addressed by the said Kalpana Das, wife of the deceased dated August 24, 2021, not to disclose any documents relating to her husband's treatment, to anybody else.

Counsel for the Belle Vue Clinic submits before this Court that his client has nothing to hide. It is also submitted that in terms of Sub-Rules (7) and (8) of Rule 9 of the West Bengal Clinical Establishments (Registration, Regulation, Transparency) Rules, 2017, confidentiality is required to be maintained regarding a patient's treatment.

Counsel for the petitioner, however, relies upon the definition of 'patient party' under the definition clause in the said Rules, to argue that it also includes a near relative like a 'sister'.

It appears to this Court that the petitioner, as a sister of the deceased, is entitled to know as to whether her deceased brother has received

correct treatment or not, and whether there is any foul play.

In that view of the matter, this Court is of the view that as a sister and hence a patient party, the petitioner is entitled to get all documents relating to her brother's treatment. The Belle Vue Clinic shall, therefore, supply all documents including the bed-head ticket in connection with the petitioner's brother's treatment, from the date of admission till the date of death, and also until the date of release of the body of the deceased.

The email communication produced by the Belle Vue Clinic dated August 24, 2021, is kept with the record.

With the aforesaid observations, the writ petition shall stand disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)