

D/L.23.
May 1, 2024.
MNS.

WPA No. 11799 of 2024

Sahenara Bibi
Vs.
The State of West Bengal and others

Mr. Nigam Ashish Chakraborty,
Mr. Anujit Mukherjee,
Mr. Bikram Mitra,
Ms. Ankita Paul

... for the petitioner.

Mr. Pantu Deb Roy,
Mr. Pannalal Bandopadhyay

...for the State.

1. Affidavit-of-service filed in Court today be kept on record.
2. Learned counsel for the petitioner contends that the petitioner's younger son had his right leg amputated due to alleged negligence on the part of the treating doctors and the respondent no. 4-hospital.
3. Although an enquiry was held, the petitioner alleged that the same was merely eyewash and a further enquiry into the matter was sought by the petitioner by formation of a proper medical board.
4. It is fairly conceded by learned counsel for the State who submits that yesterday, during the pendency of the writ petition, said learned counsel has received a copy of the

communication from the Medical Superintendent-cum-Vice Principal, Malda Medical College & Hospital, Malda, to the Chief Medical Officer of Health, Malda indicating that the head of the Department of the concerned hospital, who is the Chairman of the Enquiry Committee, is agreeable to form a separate board for the purpose of inquiring into the allegations of gross negligence made by the petitioner.

5. In view of such fair stand taken by the respondent authorities, upon hearing learned counsel for the parties, it transpires that it would suffice if the respondent authorities should comply with their own concession and form a board and hold an enquiry.
6. Accordingly, WPA No. 11799 of 2024 is disposed of by directing the respondent no. 3, that is, the Chief Medical Officer of Health, Malda, to comply with the petitioner's request to form a board comprised of medical practitioners of some standing to enquire into the allegations made by the petitioner regarding gross negligence in treating the petitioner's younger son in terms of the representation given by the petitioner annexed to the writ petition at page 47 thereof.

7. Such board shall be constituted by the respondent no. 3 at the earliest, preferably within four weeks from date. Immediately thereafter, the board shall commence its hearings and conclude the enquiry upon giving adequate opportunity of representation to the petitioner as well as the accused persons and all interested parties, preferably within three months thereafter.
8. Upon coming to a conclusion, the said board, through the respondent no. 3, shall communicate the outcome of such enquiry to the petitioner.
9. It is made clear that in the event the respondent no. 3 deems fit, the respondent no. 3 shall refer the matter to the respondent no. 1 for constitution of a board for holding such enquiry with doctors from the SSKM Hospital.
10. In such event, the reference shall be made within a fortnight from date and the said board shall conclude the enquiry within three months from its formation.
11. It will be open to the petitioner and/or the accused persons, as the case may be, to challenge the legality/validity of such outcome before the competent forum.
12. There will be no order as to costs.

13. Urgent photostat certified copies of this order,
if applied for, be made available to the parties
upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)