



## MAHARASHTRA MEDICAL COUNCIL, MUMBAI

(Established by Govt of Maharashtra under MMC Act, 1965)

### Address:

189-A, Anand Complex,  
1<sup>st</sup> Floor, Sane Guruji Marg,  
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Mumbai-400011

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Complaint No. MMC/DC/026/2017/00256

29 JAN 2021

In the matter of~

Mr. Umeshchandra Chandu Barkur

.... Complainant

V/s

Dr. Mihirgiri Goswami  
(Reg. No. 2001031433)

.... Respondent 1

Dr. Meghal Goswami  
(Reg. No. 2007030292)

.... Respondent 2

### ORDER

1. Whereas, complainant Mr. Umeshchandra Chandu Barkur vide complaint received dt. 11/05/2017 alleged that, Complainant's wife Mrs. Kamini Barkur was admitted to Maruti Nursing Home on 9<sup>th</sup> June 2014 at 12.00 noon for cervical spondylitis and stiff neck. On 10<sup>th</sup> June 2014 patient went for MRI scan it showed Cord Compression suspected to be due to Koch's. Surgery for Cervical Cord Compression was scheduled for 16<sup>th</sup> June 2014 at Platinum Hospital. On 12<sup>th</sup> June patient had severe joint pain, muscle pain, bone pain and back pain. Patient was certified fit for surgery on 12<sup>th</sup> June 2014 and doctor sent the patient to Platinum Hospital for surgery on 15<sup>th</sup> June 2014 morning. Within that period Dr. Aafaque Dolare who was called only for surgical fitness, CRP test advised by him was normal. Respondent 1 has given injection Zobone having ingredient Zoledronic acid, due to which patient developed Pancytopenia. Dr. Mihirgiri Goswami (Respondent 1) issued blank discharge card to Platinum Hospital for hiding the condition of patient for six days. Drugs were administered illegally without a valid license which in itself is a very serious offence under the Drugs and Cosmetics Act, 1940. Complainant alleged that;

- Respondent 1 had contravened the provisions of the Drugs and Cosmetics Act and regulations made thereunder.

- Respondent 1 had administered illegal drugs without a valid license.
  - Respondent 1 had given drug to the patient (IV Zobone - injection) at Maruti Nursing Home caused "grievous hurt".
  - Respondent 1 had not taken action after adverse reaction started within 24 hours of Zobone being administered.
  - Respondent 1 had not conducted the crucial CRP test for surgical fitness.
  - Respondent 1 send the patient to the Jupiter Hospital not for treatment but for surgery to suppress illegal sale of drugs, wrong treatment and failure to act on the same.
  - Respondent 2 has also violated the legal provisions of the Drugs and Cosmetics Act, 1940 and is jointly and severally liable along with Respondent 1.
  - The onus of responsibility on the sub-standard drug IV Zobone causing adverse side effects falls on Respondent 2.
  - Responsibility for no action taken ultimately leading to patient's death equally on Respondent 2.
  - Requested to take stringent action against Respondent 2 also as she is also a menace to unsuspecting patients.
2. Therefore, in view of Rules 62-74 of MMC Rules, 1967 Council has decided to conduct enquiry and issued letter dt. 02/06/2017 to submit explanation from both the RMP.
  3. Dr. Mihirgiri Goswami (Respondent 1) and Dr. Meghal Goswami (Respondent 2) has submitted their explanation on 13/07/2017.
  4. Council has forwarded explanation received from Dr. Mihirgiri Goswami (Respondent 1) and Dr. Meghal Goswami (Respondent 2) to complainant Mr. Umeshchandra Chandu Barkur on 11/10/2017.
  5. All the documents including explanation of Dr. Mihirgiri Goswami (Respondent 1) and Dr. Meghal Goswami (Respondent 2) referred to Committee.
  6. Committee has decided to call both the parties for preliminary hearing. Thereafter, summons issued on 09/10/2019, 20/11/2019 for the enquiry dt. 19/10/2019, 30/11/2019 respectively.
  7. After scrutiny of complaints papers, on hearing of all the parties, Committee has considered complaint and observed that;
    - a. Respondents had administered "Rokfoszoledronic" acid without blood investigation of patient.
    - b. Consent for administering "Rokfos injection" was not taken by respondents.
    - c. Proper documentation not maintained by respondents.
    - d. Treatment was not provided by respondents as per severity of disease.
    - e. Required investigation of patient was not done.

- f. After complication, respondents had failed to detect the reason and treat the patient.
- g. Dose of Methotrexate medicine was not mentioned on paper provided before committee in spite of advising and prescribing the name.
8. In view of above reasons the Committee in its meeting dt. 30/11/2019 has decided to frame charges against Dr. Mihirgiri Goswami (Respondent 1) and Dr. Meghal Goswami (Respondent 2). Accordingly, on 20/03/2020 charge sheet issued to Dr. Mihirgiri Goswami (Respondent 1) and Dr. Meghal Goswami (Respondent 2).
9. Accordingly, Dr. Mihirgiri Goswami (Respondent 1) and Dr. Meghal Goswami (Respondent 2) has filed their reply on notice of charges on 30/06/2020.
10. Council has forwarded explanation on notice of charges received from Dr. Mihirgiri Goswami (Respondent 1) and Dr. Meghal Goswami (Respondent 2) to complainant Mr. Umeshchandra Chandu Barkur on 19/11/2020.
11. Complainant Mr. Umeshchandra Chandu Barkur had submitted his counter reply on 02/12/2020.
12. Council vide letter dt. 28/12/2020 issued summon to both the parties to appear for enquiry through Video Conference (Zoom app) to state their case on 09/01/2021.
13. On the day of hearing complainant namely Mr. Umeshchandra Chandu Barkur and RMP Dr. Mihirgiri Goswami (Respondent 1) and Dr. Meghal Goswami (Respondent 2) were present on 09/01/2021.
14. Both the parties stated their case.
15. Executive Committee resolution dated 09/01/2021 is reproduced as under:
- **After detailed discussion & deliberations, the committee observed that, On the next day of admission, the patient's platelets and WBC dropped down rapidly.**
  - **The platelets had dropped from 143000 to 20000 and WBC from 20080 to 200.**
  - **However, RMP ignored and transferred the patient for surgery to the another hospital which was scheduled on the 15/06/2014.**
  - **In spite of adverse reaction RMP had not taken action.**
  - **RMP was alleged to have given methotrexate to the patient as supported by prescription, bills, treatment sheet.**
  - **Discharge card was not filled properly when patient transferred to another hospital for surgery.**
16. Thus, for the gross violation of professional misconduct and code of ethics as enumerated under Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulation 2002, r/w section 22 of MMC Act, 1965 and charged under article 1.1.1, 1.1.2, 1.3, 1.9 of chapter 1, article 2.1.1, 2.4 of chapter 2 of Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulation 2002 as well as failed to maintain the dignity of the profession. Thus, failed to observe the law of the country in regulating practice of

medicine.

17. Thus, aforesaid conduct of Dr. Mihirgiri Goswami (Respondent 1) is highly objectionable. Therefore, you are negligent in treating the patient.

18. Therefore, the Council has passed sentence **to remove the Registration No.- 2001031433 of Dr. Mihirgiri Goswami (Respondent1). for a period of 3 months from Register of the Council.** The said punishment of removal of registration shall be implemented after appeal period is over.

19. **"As far as allegations against Dr. Meghal Goswami, the complaint does not come under Council's jurisdiction."**

20. Therefore, in view of the aforesaid circumstances, Executive Committee has decided to exonerate Dr. Meghal Goswami (Respondent 2) from the allegations levelled against her in MMC/DC/026/2017.

21. **"A medical practitioner or professional who is aggrieved by any action taken by a State Medical Council may prefer an appeal to the Ethics and Medical Registration Board against such action as per Section 30(3) of the National Medical Commission Act, 2019 to NMC."**

Date of order shall be treated for the Period of limitations.

  
(Sanjay Deshmukh)

Registrar  
Maharashtra Medical Council

**To,**

- 1) Mr. Umeshchandra Chandu Barkur  
A-15, Neeta Apartments,  
Chaphekar Bandhu Marg,  
Mulund (E), Mumbai 400081.
- 2) Dr. Mihir Ishvergiri Goswami  
Maruti Nursing Home, Gokhale  
Road, Hanuman Chowk,  
Mulund (E), Mumbai 400081.
- 3) Dr. Meghal Nikul Goswami  
Maruti Nursing Home,  
Gokhale Road, Hanuman Chowk,  
Mulund (E), Mumbai 400081.

**Copy forwarded for information:**

- 1) The Secretary,  
National Medical Commission,  
Pocket- 14, Sector - 8, Dwarka, Phase -1  
New Delhi - 110077.
- 2) The Registrar,  
Andhra Pradesh Medical Council  
2nd Floor, Dr. NTR University of Health Sciences,  
Gunadala, Vijayawada - 520008  
State - Andhra Pradesh.

- 3) The Registrar,  
Arunachal Pradesh Medical Council  
Directorate of Health Services Complex,  
Room No.161 & 162, Naharlagun, Papum Pare - 791110,  
State - Arunachal Pradesh.
- 4) The Registrar,  
Assam Council of Medical Registration  
Khanapara, Guwahati -781022.  
State - Assam.
- 5) The Registrar,  
Bihar Medical Council  
Road No. 11/D, Rajendra Nagar, Patna - 800016,  
State - Bihar.
- 6) The Registrar,  
Chhattisgarh Medical Council  
1st Floor, Above Dr. Balmukund Sharma Clinic,  
Kanakalipara, Near Nagar Nigam Ayurvedic Hospital,  
Raipur-492001, State - Chhattisgarh.
- 7) The Registrar,  
Delhi Medical Council  
Room No. 308/A, 3rd Floor, Administrative Block,  
M.A. Medical College, Bahadur Singh Zafar Marg,  
New Delhi-110002, State - Delhi.
- 8) The Registrar,  
Goa Medical Council  
C/o. Goa Medical College  
NH 17, Bambolim, Tiswadi - 403202,  
State - Goa.
- 9) The Registrar,  
Gujarat Medical Council  
1st Floor, Old Nursing College Building,  
Near M.P. Shah Cancer Hospital, Civil Hospital Campus,  
Asarwa, Ahmedabad - 380016, State - Gujarat.
- 10) The Registrar,  
Haryana Medical Council  
Civil Hospital, Opp. Swasthya Bhawan,  
Sec.-6, Room No.-46, Panchkula - 134109  
State - Haryana.
- 11) The Registrar,  
Himanchal Pradesh Medical Council  
Set No. 3; Priydarshni Apartment  
IGMC Road, Shimla-1, State - Himanchal Pradesh.
- 12) The Registrar,  
Jammu & Kashmir Medical Council  
H.No.28 B/C, 1st Floor, Gandhi Nagar,  
Jammu-180004.

- 13) The Registrar,  
✓ Jharkhand Medical Council  
6th Floor RPS Hospital, Bajra - Bariatu Road,  
Morabadi, Ranchi-834 009, State - Jharkhand.
- 14) The Registrar,  
✓ Karnataka Medical Council  
#16/6, Miller Tank Bed Area, Vasanthnagar,  
Bangalore - 560052, State - Karnataka.
- 15) The Registrar,  
✓ Travancore Cochin Council of Modern Medicine,  
Combined Council Building, Red Cross Road,  
Palayam Airport Road, Trivandrum,  
Thiruvananthapuram-695035, State - Kerala.
- 16) The Registrar,  
✓ Madhya Pradesh Medical Council  
F-7, Sanchi Complex, Opp. Bord Office,  
Bhopal - 462016, State - Madhya Pradesh.
- 17) The Registrar,  
✓ Manipur Medical Council  
Office of Registrar, Medical Directorate Complex,  
RIMS Road, Lamphel, Imphal - 795004.
- 18) The Registrar,  
✓ Meghalaya Medical Council,  
C/o, Director of Health Services (MI),  
Shillong - 793 001, State - Meghalaya.
- 19) The Registrar,  
✓ Mizoram Medical Council  
B/503, Block B, Civil Hospital, Aizawl - 796001, State -  
Mizoram.
- 20) The Registrar,  
✓ Nagaland Medical Council  
PMTI Complex, Merhulitsa Colony,  
Kohima-797001, State - Nagaland.
- 21) The Registrar,  
✓ Odisha Council of Medical Registration  
Block No. 11, Unit-V,  
Bhubaneshwar-751001 State -Odisha.
- 22) The Registrar,  
✓ Punjab Medical Council,  
Medical Education Bhawan, Near Excise and Taxation  
Building, Sector-69, SAS Nagar, Mohali - 160069,  
State - Punjab.

- 23) The Registrar,  
Rajasthan Medical Council  
Govt. Dispensary Campus, Near Sahkar Bhawan,  
Sardar Patel Marg, Opp. Residency, C-Scheme,  
Jaipur - 302001, State - Rajasthan.
- 24) The Registrar,  
Sikkim Medical Council  
Library Building, STNM Hospital Complex,  
PO Gangtok, East Sikkim-737101, State - Sikkim.
- 25) The Registrar,  
Tamil Nadu Medical Council  
New No. 914, Old No. 569, Poonamalle High Road,  
Arumbakkam, Chennai-600106, State - Tamil Nadu.
- 26) The Registrar,  
Telangana State Medical Council  
P.B.523, Sultan Bazar, Near Post Office,  
Opposite Womens College, Hyderabad - 500 095,  
State - Telangana.
- 27) The Registrar,  
Tripura State Medical Council  
Dr. P. B. Das Memorial Building  
Bidur Karta Chawmuhani  
Agartala-799 001, State - Tripura.
- 28) The Registrar,  
Uttar Pradesh Medical Council  
5, Sarvapalli Mall, Avenue Road,  
Lucknow-226001, State - Uttar Pradesh.
- 29) The Registrar,  
Uttarakhand Medical Council  
Office of the Director General,  
Medical Health & FW Uttarakhand  
Room No. -67-68, Village - Danda Lakhond,  
P.O. Gujrada, Dehradun - 248001, State - Uttarakhand.
- 30) The Registrar,  
West Bengal Medical Council  
IB - 196, Sector - III, Salt Lake,  
Kolkata - 700 106, State - West Bengal.