
(1993) 02 NCDRC CK 0024

In the National Consumer Disputes Redressal Commission

DIPTI DE SARKAR

APPELLANT

Vs

STATE AUTHORITY OF INDIA LTD.

RESPONDENT

Date of Decision : 27-02-1993

Acts Referred:

Citation : 1993 1 CPR 640 : 1993 2 CPJ 1209

Hon'ble Judges : S.C.Mohapatra , R.N.Panigrahi , J.Patnaik J.

Final Decision : Complaint dismissed

Judgement

1. SMT. Dipti Dey Sarkar complaint regarding deficiency of services rendered by the doctors of the Ispat General Hospital where her son died due to the negligence and maltreatment by the doctors and Steel Authority of India.

2. ON 3-10-1991, Sudipta Dey Sarkar was bitten by a cat for which he went to the Sector 6 hospital for treatment. Dr. Chand gave the 1st Aid treatment and advised the patient to be taken to the O.P.D. of the I.G. Hospital. Where O.P.3 Dr. Jena advised a course of A.H. treatment. The A.R.V. injection were painful and even though the patient complained against it and declined to take the injections, the doctors insisted upon completing the course of treatment. ON a further date i.e. on 11-10-1991 the patient (deceased) complained of gradual weakness of the lower limbs and was hospitalised in the I.C. Unit, but except Dr. T.K. Bose, no doctor proceeded to treat him or administer any medicine. It is alleged, that no care whatsoever was taken and the patient was not attended upon deliberately. The complainant's son remained in the acute condition without any treatment till 25-10-1991 and expired on the day at 3.45 p.m. The Opposite Parties have stated their case and have, denied the allegations of deliberate negligence and maltreatment. They have stated that the standard medical treatment, as per the guidelines of W.H.O. and medical text books, for cat bite cases have been given. It is further quoted from the text book of microbiology "In India anti rabies treatment is indicated following the date of any animal except rates".

Sudipta Dey Sarkar reported to Dr. Mrs. Tripathy on 3-10-1991 but not Dr. Chand

as stated by the complainant. Dr. Chand was on leave on that particular day. Dr. Mrs. Tripathy advised Tetanus Toxoid and caterisation of the wound and referred the case to the O.P.D. where Dr. S.K. Jena, in consultation with Dr. M.P. Behera, Asstt. Divisional Medical Officer prescribed a course of A.R.V. injections for ten consecutive days. On the 7th day of the treatment, the patient complained of pain at the site of the injection and necessary treatment for reliving the pain was given and there was, it seem, no other complaints till 16-10-1991 when the patient reported to the casualty Medical Officer Dr. Maj. D. Sahoo with a complaint of weakness of lower limbs, but his other vital functions were normal. He was however admitted into the Medical wing of the Casualty Department and was examined by the Director of Medical and Health Services was noticed Cr. II to Cr. III loss of power in all the four limbs with diminished jerks. Which suggested Neuro-Paralytic reaction and as per schedule prednisolone was prescribed and the patient was shifted to the Male Medical Unit of I.G.H. The patient was further examined by different doctors like the Specialist of Medicine, consultant in Medicine, and others. On 19th the patient complained of difficulty in allowing and he was shifted to the I.C.U. where he was intubated by Dr. S.C. Patra and was connected to ventilator for respiratory support, and necessary symptomatic treatment was carried out. He was also seen by the Specialist in Surgery, the neurosurgeon and anesthetist. In spite of all these, condition of the patient deteriorated and he expired on 25-10-1991 at 3.45 p.m.

3. DETAILS of examination done by the doctors, the medicines given and other procedures adopted and day to day treatment reasons with clinical and pathological reports have been submitted by the opposite parties. After the death of the patient, an enquiry committee consisting of senior doctor and senior manager from the personal department was constituted. They have gone into details of the case and gave a finding institution of A.R.V. injection following, cassite was in line with the standard medical treatment (as stated in page No. 5,113 of Oxford text book of medicine, edition 1987 and W.H.O. technical report of 1934). The neuro-paralytic reaction following nerve Tissue vaccine (ARV) in a well known complication which led to the death of the patient.

4. FROM the statements of both parties and perusal of hospital records, it is clear that the deceased Sudipta Dey Sarkar on being bitten by a cat, approached the hospital for treatment and at every stage of treatment the doctors have consciously treated him with the facilities available in the hospital. We are of the view that rabies being a health problem of considerable magnitude in India with an estimated mortality of more than 25,000 per year, and that A.R. vaccination being the only prophylaxis against the development of rabies and as there is no treatment if it once develops, doctors did not rightly take a risk and started the prophylactic treatment necessary in this case. Unfortunately, this type of nerve tissue vaccination carries risks of complications and most dreaded of which is a neurological one which has an incidence of seven to ten cases per thousand vaccinations and carries a mortality rate of 20 to 25%. We feel that this instant case is an unfortunate incidence for which none can be blamed or held

responsible. As a matter of fact the doctors would have erred had they not given the prophylactic treatment. Under these circumstances, we dismiss the complaint. Complaint dismissed.