

Date : 19.12.2012

OBSERVATION

The letter no. 1821-HS/HRC/Recom(WB-09/2012 dt. 14.11.2012 from Principal Secretary, Home Deptt. regarding recommendation No. 03/2012-13/WBHRC/Com/749/10-11 of this Commission has been considered.

Dr. B.R.Satpathi, the then Director of Health Services and Ex-Officio Secretary stated in his evidence before this Commission :-

"In my opinion, the patient repeatedly attended at Dr. R.Ahmed Dental College & Hospital, Kolkata on several occasions and it was due to the academic interest of the junior doctors as well exploring feasibility of treatment and the same is deeply regretted. Necessary action will be taken to avoid such type of recurrence in future. It is however, not possible at his stage to fix up the responsibility on any individual doctor as because it is a teaching institution. The junior doctors tried to enrich their knowledge in the subject of Orthodontics and oral surgery.

I admit that in the process, the patient had to face a lot of harassment due to recurrent visit to the hospital "

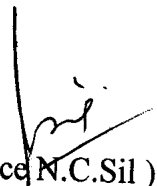
In view of the aforesaid evidence of Dr. Satpathi it is absolutely clear that the petitioner was used as a guineapig for experimental purpose by Dr.R.Ahmed Dental College & Hospital authority for which the patient was harassed for no fault of ~~him~~ ^{his}. Accordingly, the Commission recommended a sum of Rs. 50,000/- to be given to the petitioner by way of

compensation for the harassment caused to him by the doctors of the said dental hospital.
Re The Commission is afraid that the refusal of the state govt. to accept ^{Commission's} ~~its~~ recommendation
may encourage the public servants to indulge in violation of human rights.

In view of that the Commission is constrained to request the government to
reconsider its decision.



(Justice Asok Kumar Ganguly)
Chairperson



(Justice N.C. Sil)
Member



(S.N.Roy)
Member