DMC/DC/F.14/Comp.2485/2/2022/ 25th November, 2022

**O R D E R**

The Delhi Medical Council through its Disciplinary Committee examined a complaint of Shri Heera Nand, s/o Shri Balbeer Singh r/o- Village Alipur, Tehsil Sohna, Jilla Gurugram, forwarded by the Haryana Medical Council, alleging negligence in the preparation/examination of ultrasound report of complainant’s wife Smt. Meena by doctors of Goyal Ultrasound and Diagnostic Center, Sohna.

The Order of the Disciplinary Committee dated 04th October, 2022 is reproduced herein-below :-

The Disciplinary Committee of the Delhi Medical Council examined a complaint of Shri Heera Nand, s/o Shri Balbeer Singh r/o- Village Alipur, Tehsil Sohna, Jilla Gurugram (referred hereinafter as the complainant), forwarded by the Haryana Medical Council, alleging negligence in the preparation/examination of ultrasound report of complainant’s wife Smt. Meena (referred hereinafter as the patient) by doctors of Goyal Ultrasound and Diagnostic Center, Sohna (referred hereinafter as the said Centre).

The Disciplinary Committee perused the complaint, written statement of Dr. Jitendra Kumar Saraswat, USG report dated 25.09.2017 and 17.01.2018 of Goyal Ultrasound & Diagnostic Centre, and other document on record.

The following were heard in person :-

1) Shri Heera Nand Complainant

2) Shri Nihal Brother of the complainant

3) Dr. Jitendra Kumar Saraswat Physician

The complainant Shri Heera Nand alleged that his wife Smt. Meena (the patient) who was pregnant underwent two ultrasound scans at Goyal Ultrasound & Diagnostic Centre, Sohna on 25th September, 2017 and 17th January, 2018, where a single live fetus was reported. However, on 21st January, 2018 when the patient underwent delivery, two babies were delivered, one of which soon expired. It is alleged that because of wrong USG reports of Goyal Diagnostic Centre; they lost one of their new born baby and life of his wife was endangered. It is, therefore, requested that strict action be taken against doctor of Goyal USG and Diagnostic Centre.

Dr. Jitendra Kumar Saraswat, physician in his written statement averred that both the babies delivered by normal delivery and live birth with a normal delivery interval time, so, the negligence charges should not be applied on him, as this is a case of just “error of judgment” only. The baby who was delivered normally was premature and underweight. So, the baby was referred to the higher centre for the better management and treatment but unfortunately not guarded by proper medical support and staff. The baby was alive for 4-5 days in Safdarjung Hospital, New Delhi, but could not survive, reason behind cannot be explained. In second ultrasound report, which was done by him on 17.1.2018, he clearly mentioned the need of 3D/4D ultrasound at higher centre and told verbally to the patient and the attendant. Regarding this case, a FIR that number is 0132 was also registered against him at Civil Court, Sohana, Gurugram on dated 19th April, 2018 at 9.36 a.m. under IPC 304 A and he had never missed a single date since that. He is a sincere member of a prestigious institution the Delhi Medical Council. It is first complaint against him, as he is a member for nearly eighteen years. As a doctor, he always gives his 100% efforts but ultrasound is the science where they study only the reflecting waves, not an actual image. Lastly the baby was not IUD (Intra Uterine Death) and he had directed and advised for 3D/4D ultrasound at higher centre. So, he requests the Delhi Medical Council to look into the matter. He promises to the Delhi Medical Council that this will not happen again in future.

On enquiry by the Disciplinary Committee, Dr. Jitendra Kumar Saraswat stated that he has undergone requisite training in obstetrics ultrasound and also holds registration under PC PNDT Act.

In light of the above, the Disciplinary Committee makes the following observations:-

1. It is noted that the patient Smt. Meena, 29 years old female, consulted the said Centre on 25th September, 2017 and underwent USG scan. The USG scan was reported by Dr. Jitendra Kumar Saraswat. As per his report (No.9121), a single live intra-uterine fetus was seen in variable position with the maturity of 16 weeks (+/-7days) with normal cardiac activity. Subsequently, the patient underwent another obstetrics USG at the said Centre on 17th January, 2018, which was also reported by Dr. Jitendra Kumar. As per this report (No.12594), there was single live, intra-uterine foetus seen in transverse lie presentation with maturity of 33 weeks 1 days (+/-3weeks).

The patient, thereafter, delivered on 21st January, 2018 at SDH, Sohna where a female baby was delivered at 11:10 p.m. and unexpectedly another baby was delivered at 11:30 p.m. The second baby had some breathing problems, thus, was referred to the higher centre where it expired on 25th January, 2018.

1. It is observed on perusal of USG films dated 25th September, 2017 and 17th January, 2018 that missing a twin pregnancy at around 16 weeks is not acceptable, however, failure to detect twin pregnancy at 33 weeks, reflects lack of competence on the part of Dr. Jitendra Kumar.
2. It is noted that Dr. Jitendra Kumar Saraswat is registered with the Delhi Medical Council under registration No.22813 dated 22nd March, 2004 with the qualifications of Bachelor of Medicine and Bachelor of Surgery, University of Rajasthan, 2000 and Diploma in Ophthalmic Medicine and Surgery, Chhatrapati Shahu Ji Maharaj University, Kanpur, 2007, only. It is further noted that Dr. Jitendra Kumar Saraswat has been suffixing Consultant Ultrasonologist to his name without holding any requisite medical qualification in the field of radiology, as the same is borne out from the ultrasound reports dated 25th September, 2017 and dated 17th January, 2018 of Goyal Ultrasound and Diagnostic Center, Sohna. He, thus, has acted in violation of provision of Regulation 1.4.2 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics), Regulations, 2002 which mandates that “*physicians shall display as suffix to their names only recognized medical degrees or such certificates/diplomas and memberships/honours which confer professional knowledge or recognizes any exemplary qualification/achievements” and* Regulation 7.20 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics), Regulations, 2002 which mandates that “*a physician shall not claim to be specialist unless he has a special qualification in that branch”.*

Further, inspite of notice, Dr. Jitender Kumar Saraswat failed to submit any document/legible document to support his claim of being entitled to do obstetrics USG.

In light of the observations made herein-above, the Disciplinary Committee recommends that the name of Dr. Jitendra Kumar Saraswat(Delhi Medical Council Registration No.22813) be removed from the State Medical Register of the Delhi Medical Council for a period of 15 days. He is also directed to refrain from venturing into field of medicine which is beyond his competence.

Complaint stands disposed.

Sd/: Sd/:

(Dr. Maneesh Singhal) (Dr. Satish Tyagi)

Chairman, Delhi Medical Association

Disciplinary Committee Member,

Disciplinary Committee

Sd/:

(Dr. Abhinav Jain)

Expert Member,

Disciplinary Committee

The Order of the Disciplinary Committee dated 04th October, 2022 was confirmed by the Delhi Medical Council in its meeting held on 19th October, 2022.

The Council also confirmed the punishment of removal of name of Dr. Jitendra Kumar Saraswat (Delhi Medical Council Registration No. 22813) for a period of 15 days awarded by the Disciplinary Committee.

The Council further observed that the Order directing the removal of name from the State Medical Register of Delhi Medical Council shall come into effect after 60 days from the date of the Order.

This observation is to be incorporated in the final Order to be issued. The Order of the Disciplinary Committee stands modified to this extent and the modified Order is confirmed.

By the Order & in the name of

Delhi Medical Council

(Dr. Girish Tyagi)

Secretary

Copy to:-

1. Shri Heera Nand, s/o Shri Balbeer Singh r/o- Village Alipur, Tehsil Sohna, Jilla Gurugram.
2. Dr. Jitendra Kumar Saraswat, 37, Yaduraj Nagar, Kaka Ji Ki Kothi, District Bharatpur, Rajasthan-321001.
3. Registrar, Haryana Medical Council, Room No.46, Civil Hospital, Sector-6, Panchkula-134109, Haryana-w.r.t. letter No.HMC/2018/946 dated 31.05.2018-**for information.**
4. Registrar, Rajasthan Medical Council, Sardar Patel Marg, Near 22 Godam Circle, C-Scheme, Jaipur-302001, Rajsthan **(Dr. Jitendra Kumar Saraswat** **is also registered with Rajasthan Medical Council under Registration No-019598 dated 23.03.2000)-for information & necessary action.**
5. National Medical Commission, Pocket-14, Sector-8, Phase-1, Dwarka, New Delhi-110077-**for information & necessary action**.

(Dr. Girish Tyagi)

Secretary