DMC/DC/F.14/Comp.2812/2/2023/ 29thNovember, 2023

**O R D E R**

The Delhi Medical Council through its Disciplinary Committee examined a complaint of Shri Umesh Bansal, Office of the Superintending Engineer, President’s Estate Circle, Central Public Works Department, Rashtrapati Motor Garage, Sch ‘A’, President’s Estate, New Delhi-110004, forwarded by the Delhi Medical Association, seeking verification of genuineness of medical certificate issued by Dr. S. Rajan, New Rohini Hospital, 156, Pkt-00, Sector-1, Avantika (Rohini), Opp. Kamdhenu School, Delhi-110085 to Shri Gopal.

The Order of the Disciplinary Committee dated 31st October, 2023 is reproduced herein-below:-

The Disciplinary Committee of the Delhi Medical Council examined a complaint of Shri Umesh Bansal, Office of the Superintending Engineer, President’s Estate Circle, Central Public Works Department, Rashtrapati Motor Garage, Sch ‘A’, President’s Estate, New Delhi-110004, forwarded by the Delhi Medical Association, seeking verification of genuineness of medical certificate issued by Dr. S. Rajan, New Rohini Hospital, 156, Pkt-00, Sector-1, Avantika (Rohini), Opp. Kamdhenu School, Delhi-110085 to Shri Gopal.

The Disciplinary Committee perused the the complaint, written statement of Dr. S. Rajan of New Rohini Hospital and other documents on record.

The following was heard in person :-

1) Dr. S. Rajan Medical Director, New Rohini Hospital

The Disciplinary Committee noted that the complainant Shri Umesh Bansal, Office of theSuperintending Engineer, President’s Estate Circle, Central Public Works Department in his complaint has alleged that a medical fitness certificate dated 06th August, 2018 was issued by Dr. S. Rajan to Shri Gopal, an employee of CPWD. In the said certificate, the doctor has advised rest from 08th May, 2018 to 06th August, 2018 and declared fit to resume duty w.e.f. 07th August, 2018. In the said certificate, it is also mentioned that Shri Gopal was under treatment for enteric fever with post enteric hepatitis. The employee Shri Gopal had submitted alongwith medical certificate, prescription dated 08th May, 2018, 20th May, 2018, 01st June, 2018, 01st July, 2018 and 31st July, 2018. It is submitted that in the prescriptions, no registration or serial number is mentioned, which raises suspicion, as to the authenticity of medical documents. The office, thereafter, sent a letter to Dr. S. Rajan, asking him to submit duplicate of fee receipts, issued by him to the patient Shri Gopal. The doctor, however, did not respond to the letter. It is, therefore, requested that authenticity of medical documents be verified, so that in case they are found to be not genuine, the administrative action may be taken against the concerned employee.

Dr. S. Rajan, Medical Director, New Rohini Hospital in his written statement averred that he confirmed that he had treated the patient named Shri Gopal, suffering w.e.f. 08th May, 2018 to 06th August, 2018. The patient was suffering from enteric fever, leading to post-enteric hepatitis. The patient was given rest for above said period and fitness certificate dated 06th August, 2018 was also given by him.

On enquiry by the Disciplinary Committee, Dr. S. Rajan admitted that he has not maintained any O.P.D register or record of medical certificate issued by him. On being asked as what was the basis for his diagnosis of enteric fever or post-enteric fever for issuing the medical certificate for three months, Dr. S. Rajan could not give any satisfactory reply.

In view of the above, the Disciplinary Committee notes that no satisfactory explanation was given by Dr. S. Rajan for issuing medical certificate for period of three months, issued on one occasion, for the period 08th May, 2018 to 06th August, 2018. The certificate does not mention the serial number of the certificate. Dr. S. Rajan did not initiate a planned systematic investigation protocol/plan for treatment of the ailment of the patient, on the contrary, without any investigation, made a general diagnosis of ‘enteric fever, leading to post-enteric hepatitis’’ and on his whims and fancies issued medical certificate for such a long durations. Dr. S. Rajan also does not maintain O.P.D. register of the patient’s examined by him in his clinic nor details of medical certificates issued by him. Further, Dr. S. Ranjan does not mention his Delhi Medical Council Registration number on his letter-head.

The Disciplinary Committee observes that this whole episode reflects the casualness and unprofessionalism of Dr. S. Rajan in his medical practice. The Disciplinary Committee further observes that medical certificates are legal documents. Medical practitioners who deliberately issue a false, misleading or inaccurate certificate could face disciplinary action under the Indian Medical Council (Professional Conduct, Etiquette and Ethics), Regulations, 2002. Medical practitioners may also expose themselves to civil or criminal legal action. Medical practitioners can assist their patients by displaying a notice to this effect in their waiting rooms.

Further, it is a misnomer to state that medical certificate is “not valid for legal or Court purposes”, and should be avoided. Registered medical practitioners are legally responsible for their statements and signing a false certificate may result in a registered medical practitioner facing a charge of negligence or fraud. The Disciplinary Committee, therefore, recommends that name of Dr. S. Rajan (Dr. Sudarshan Rajan, Delhi Medical Registration No. 15037)be removed from the State Medical Register of the Delhi Medical Council for period of 30 days for his aforementioned misconduct.

Dr. S. Rajan is also advised to adhere to the guidelines for issuance of medical certificate framed by the Delhi Medical Council, as reiterated herein-below, for future purposes.

* 1. Medical certificates are legal documents. Medical practitioners who deliberately issue a false, misleading or inaccurate certificate could face disciplinary action under the Indian Medical Council (Professional Conduct, Etiquette and Ethics), Regulations, 2002. Medical practitioners may also expose themselves to civil or criminal legal action. Medical practitioners can assist their patients by displaying a notice to this effect in their waiting rooms.

It is, therefore, a misnomer to state that medical certificate is “not valid for legal or Court purposes”, and should be avoided. Registered medical practitioners are legally responsible for their statements and signing a false certificate may result in a registered medical practitioner facing a charge of negligence or fraud.

* 1. The certificate should be legible, written on the doctor’s letterhead and should not contain abbreviations or medical jargon. The certificate should be based on facts known to the doctor. The certificate may include information provided by the patient but any medical statements must be based upon the doctor’s own observations or must indicate the factual basis of those statements. The Certificate should only be issued in respect of an illness or injury observed by the doctor or reported by the patient and deemed to be true by the doctor.

The certificate should :-

* + - 1. indicate the date on which the examination took place
      2. indicate the degree of incapacity of the patient as appropriate
      3. indicate the date on which the doctor considers the patient is likely to be able to return to work
      4. be addressed to the party requiring the certificate as evidence of illness e.g. employer, insurer, magistrate
      5. indicate the date the Certificate was written and signed.
      6. Name, signature, qualifications and registered number of the consulting Registered Medical Practitioner.
      7. The nature and probable duration of the illness should also be specified. This certificate must be accompanied by a brief resume of the case giving the nature of the illness, its symptoms, causes and duration.

When issuing a sickness certificate, doctors should consider whether or not an injured or partially incapacitated patient could return to work with altered duties.

* 1. The medical certificate under normal circumstances, as a rule, should be prospective in nature i.e. it may specify the anticipated period of absence from duty necessitated because of the ailment of the patient. However, there may be medical conditions which enable the medical practitioner to certify that a period of illness occurred prior to the date of examination. Medical practitioners need to give careful consideration to the circumstances before issuing a certificate certifying a period of illness prior to the date of examination, particularly in relation to patients with a minor short illness which is not demonstrable on the day of examination and should add supplementary remarks, where appropriate, to explain the circumstances which warranted the issuances of certificate retrospective in nature.
  2. It is further observed that under no circumstances, a medical certificate should certify period of absence from duty, for a duration of more than 15 days. In case the medical condition of the patient is of such a nature that it may require further absence from duty, then in such case a fresh medical certificate may be issued.

* 1. Record of issuing medical certificate - Documentation should include:
     + Patient to put signature / thumb impression on the medical certificate Identification marks to be mentioned on medical certificate
     + that a medical certificate has been issued
     + the date / time range covered by the medical certificate
     + the level of incapacity (i.e. unfit for work, light duties, etc within scope of practice)
     + signature / thumb impression of patient

An official serially numbered certificate should be utilized. The original medical certificate is given to the patient to provide the documentary evidence for the employer. The duplicate copy will remain in the Medical Certificate book for records. The records of medical certificate are to be retained with the doctor for a period of 3 years from the date of issue.

Complaint stands disposed.

Sd/: Sd/: Sd/:

(Dr. Maneesh Singhal)(Dr. Satish Tyagi) (Dr. Dinesh Kumar Negi)

Chairman, Delhi Medical Association Expert Member,

Disciplinary CommitteeMember Disciplinary Committee

Disciplinary Committee

The Order of the Disciplinary Committee dated31st October, 2023 was confirmed by the Delhi Medical Council in its meeting held on 06th November, 2023.

The Council also confirmed the punishment of removal of name of Dr. S. Rajan (Dr. Sudarshan Rajan, Delhi Medical Council Registration No.15037) for a period of 30 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. Office of the Superintending Engineer, President’s Estate Circle, Central Public Works Department, Rashtrapati Motor Garage, Sch ‘A’, President’s Estate, New Delhi-110004.
2. Dr. S. Rajan,New Rohini Hospital,156, Pkt-00, Sector-1,Avantika (Rohini), Opp. Kamdhenu School,Delhi-110085.
3. Delhi Medical Association, Medical Association Road, Daryaganj, New Delhi-110002-w.r.t. letter F.75/DMC/2019/516 dated 24.05.2019-**for information.**
4. Registrar, Andhra Pradesh Medical Council, 02nd Floor, YSR University of Health Sciences, ESI Rd, Vijayawada, Andhra Pradesh-520008 (Dr. Sudarshan Rajan is also registered with the Hyderabad State Medical Council under registration No.8174 dated 10.10.1979-**for information & necessary action.**
5. National Medical Commission, Pocket-14, Phase-1, Sector-8, Dwarka, New Delhi-110077-**for information & necessary action.**

(Dr. Girish Tyagi)

Secretary