DMC/DC/F.14/Comp.2829/2/2022/ 20th May, 2022

**O R D E R**

The Delhi Medical Council through its Disciplinary Committee examined a complaint of Shri Vivek Tyagi, 77/3/1/1, Lodipur, Delhi-110081 made to Police Station Sultan Puri, Delhi, forwarded by the office of the Deputy Commissioner of Police, Outer District, alleging professional misconduct on the part of Dr. Gajender Chauhan, Chauhan Medical Centre, D-4/285, Sultan Puri, Delhi.

The Order of the Disciplinary Committee dated 08th April, 2022 is reproduced herein-below :-

The Disciplinary Committee of the Delhi Medical Council examined a complaint of Shri Vivek Tyagi, 77/3/1/1, Lodipur, Delhi-110081 (referred hereinafter as the complainant) made to Police Station Sultan Puri, Delhi, forwarded by the office of the Deputy Commissioner of Police, Outer District, alleging professional misconduct on the part of Dr. Gajender Chauhan, Chauhan Medical Centre, D-4/285, Sultan Puri, Delhi.

The Disciplinary Committee perused the complaint, written statement of Dr. Gajinder Chauhan and other documents on record.

The following was heard in person :-

1) Dr. Gajender Chauhan Physician, Chauhan Medical Centre

The Disciplinary Committee noted that the notice sent to the complainant returned undelivered in the office of the Delhi Medical Council with noting from the Postal-Department ‘incomplete address’.

In the interest of justice, the Disciplinary Committee decided to proceed with the matter in order to determine it on merits.

The Disciplinary Committee noted that the complainant Shri Vivek Tyagi from P.R. News in his complaint has alleged that they had a sting operation on 24th April, 2019 of Dr. Gajinder Chauhan for medical certificate, which he issued without check-up of the patient. They have video as in proof. They want a proper strict action on Dr. Gajinder Chauhan for his illegal medical work.

Dr. Gajinder Chauhan, Physician, Chauhan Medical Centre in his written statement averred that on 24th April, 2019, Shri Paras, 22 years old, came to his clinic and requested him to issue two medical certificates of rest, as he(Shri Paras) was unable to participate in the ongoing Kabbadi Tournament. He being a sportsman tried to help him (Shri Paras) and issued two medical certificates. On 16th July, 2019, Shri Paras came to his clinic and demanded the ransom money of rupees two Lacs from him for withdrawing his police complaint against him (Dr. Gajinder Chauhan). He has two audios and five videos as proof which has been handed over to police and he was arrested from his (Dr. Gajinder Chauhan) clinic on 16th July, 2019 at around 07.40 pm.

In view of the above, the Disciplinary Committee observes that no satisfactory explanation was given by Dr. Gajinder Chauhan for issuing medical certificates dated 20th April, 2019 for period of six days (15.04.2019 to 20.04.2019) for the reported illness of Acute Gastro-Entritis and dated 24.04.2019 for seven days (24.04.2019 to 30.04.2019) for the reported illness of Typhoid Fever. Dr. Gajinder Chauhan admitted that he had issued the certificates on request of the patient, as the patient was unable to participate in some sports tournament. It is apparent that the certificates in question have been issued on extraneous consideration and not on genuine medical grounds. The certificate does not mention the serial number of the certificates. Dr. Gajinder Chauhan also did not maintain details of medical certificates issued by him. The Disciplinary Committee observes that this whole episode reflects the casualness and unprofessionalism of Dr. Gajinder Chauhan 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. 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 holds Dr. Gajinder Chauhan to be guilty of violation of provisions of Regulation 1.3.3 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics), Regulations, 2002. The Disciplinary Committee, therefore, recommends that name of Dr. Gajinder Chauhan (Delhi Medical Registration No. 2472)be removed from the State Medical Register of the Delhi Medical Council for period of 15 days for his aforementioned misconduct.

Dr. Gajinder Chauhan 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 Negi)

Chairman, Delhi Medical Association Expert Member

Disciplinary Committee Member, Disciplinary Committee

Disciplinary Committee

The Order of the Disciplinary Committee dated 08th April, 2022 was confirmed by the Delhi Medical Council in its meeting held on 29th April, 2022.

The Council also confirmed the punishment of removal of name of Dr. Gajinder Chauhan(Delhi Medical Registration No. 2472)from the State Medical Register of the Delhi Medical Council for 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 30 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 Vivek Tyagi, 77/3/1/1, Lodipur, Delhi-110081.
2. Dr. Gajender Chauhan, Chauhan Medical Centre, D-4/285, Sultan Puri, Delhi.
3. ACP/PG for Dy. Commissioner of Police, Outer District, Pushpanjali Enclave, Pitampura, Delhi-110034-w.r.t. letter No.1360/Compt./AC-VIII/Outer New Delhi dated, 10/6/2019-**for information**.
4. Registrar, Punjab Medical Council, Medical Education Bhawan, Second Floor, Sector-69, SAS Nagar, Mohali, Punjab **(Dr. Gajinder Chauhan is also registered with Punjab Medical Council under registration No.22183 darted 02-11-1982)**- **for information & necessary action.**
5. National Medical Commission, Pocket-14, Sector-8, Dwarka, Phase-1, New Delhi-110077-**for information & necessary action**.

(Dr. Girish Tyagi)

Secretary