DMC/DC/F.14/Comp.1943/2/2020/ 19th March, 2020

**O R D E R**

The Delhi Medical Council through its Disciplinary Committee examined a representation of Mohd. Anwar Ahmad, alleging violation of Delhi Medical Council Order No.DMC/DC/F.14/ Comp.1943/2/2019/281760, 281762, 281763, 281766, 281767, 281769, 281771 dated 29th April, 2019 in complaint no.1943 of “*Mohd. Anwar Ahmed s/o Shri Mukhtar Ahmed, r/o- 5089, Gali No.1, Kokasi, Old Seelam Pur Delhi-110031, alleging medical negligence on the part of doctors of Samra Hospital in the treatment administered to the complainant at Samra Hospital C-4/70-A, Yamuna Vihar, Delhi-110053*”.

The Order of the Disciplinary Committee dated 24th February, 2020 is reproduced herein-below:-

The Disciplinary Committee of the Delhi Medical Council examined a representation of Mohd. Anwar Ahmad, alleging violation of Delhi Medical Council Order No.DMC/DC/F.14/Comp.1943/2/2019/281760, 281762, 281763, 281766, 281767, 281769, 281771 dated 29th April, 2019 in complaint no.1943 of “*Mohd. Anwar Ahmed s/o Shri Mukhtar Ahmed, r/o- 5089, Gali No.1, Kokasi, Old Seelam Pur Delhi-110031, alleging medical negligence on the part of doctors of Samra Hospital in the treatment administered to the complainant at Samra Hospital C-4/70-A, Yamuna Vihar, Delhi-110053*”.

The Disciplinary Committee perused the representation ofMohd. Anwar Ahmad, written statement of Dr. Abdul Khalique, representation of Dr. Nabeela Khalique and other documents on record.

The following were heard in person :-

1) Mohd. Anwar Ahmed Complainant

2) Shri Mashkoor Ahmed Patient (Brother of the complainant)

3) Dr. Abdul Khalique Surgeon, Samra Hospital

Dr. Nabeela Khalique did not appear before the Disciplinary Committee, inspite of notice.

Mohd. Anwar Ahmed, the complainant in his representation alleged that the Delhi Medical Council vide Order dated 29th April, 2019 No.DMC/DC/ F.14/Comp.1943/2/2019/281760 observed that Dr. Abdul Khalique failed to exercise reasonable degree of skill, care and knowledge of treatment of complainant, which was expected of a prudent doctor. The Delhi Medical Council recommended that the name of Dr. Abdul Khalique (DMC Registration No.16900) be removed from the State Medical Register of the Delhi Medical Council for a period of 90 days. It is further alleged that one patient namely Shri Mashkoor Ahmed visited the doctors at Samra Hospital on 22nd July, 2019, it is surprising that Dr. Abdul Khalique is still practicing the profession. He (Dr. Abul Khalique) is regularly examining the patient from time to time. Dr. Abdul Khalique is violating the Order dated 29th April, 2019 and as his name has been removed; still he is examining. It is, therefore, prayed to the Delhi Medical Council that necessary action must be taken against Dr. Abdul Khaqlique.

Shri Mashkoor Ahmed, the patient (brother of the complainant) to whom the prescription dated 22nd July, 2019, on the letter head of Samra Hospital was issued stated that on 22nd July, 2019, he had consulted Dr. Abdul Khalique at Samra Hospital for problem related to his erection pains. He was examined by Dr. Abdul Khalique and was advised Colour Doppler test, as is reflected in prescription dated 22nd July, 2019. He emphatically denied that he was examined by Dr. Nabeela Khalique, as claimed by Dr. Abdul Khalique.

Dr. Abdul Khalique, Surgeon, Samra Hospital in his written statement averred that he abides by the Order No.DMC/DC/F.14/Comp.1943/2/ 2019/281760 dated 29th April, 2019, and has not been practicing medicine as per the said Order. There has been no violation on his part. The said patient was consulted and examined by Dr. Nabeela Khalique. She is practicing in Samra Hospital, Yamuna Vihar, Delhi. She is a qualified registered medical practitioner, DMC Registration No.82070 and has well versed experience to see the patients. This is false and alleged complaint against him to damage his professional image.

Dr. Nabeela Khalique did not appear before the Disciplinary Committee, inspite of notice, but sent a representation, stating that she had to fly to Canada on 11th February, 2020 for higher studies, hence, is unable to attend hearing of 17th February, 2020. It is also noted that as per the representation, she has averred that the patient name Shri Mashkoor was examined by her and the said prescription was also written by her in letter head of Samra Hospital, Yamuna Vihar, Delhi. False complaint has been made against Dr. Abdul Khalique, to damage his professional images.

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

1. It is observed that the prescription dated 22nd July, 2019 issued on letter head of Samra Hospital, pertains to an adult male patient (Shri Mashkoor Ahmed), who had sought consultation for problem related to his private part (erection pain, penis). It is highly improbable that an adult male patient in this case would consult a lady doctor who is not a specialist for his aforementioned medical condition. Further, the patient has categorically stated that he consulted Dr. Abdul Khalique who himself is a specialist (M.S, Surgeon) and it was he who had examined him.
2. It is observed that the cursory comparison of writing in the prescription dated 22nd July, 2019 of Samra Hospital with other medical records of Samra Hospital leads us to infer that the prescription dated 22nd July, 20109 was issued by Dr. Abdul Khalique on examination of the patient Shri Mashkoor Ahmed.
3. It is observed that the written statement of Dr. Nabeela Khalique seems to be a vain attempt to mislead the Disciplinary Committee by a daughter (Dr. Nabeela Khalique) to wriggle his father (Dr. Abdul Khalique) out of these Disciplinary proceedings.

In light of the observations made hereinabove, we are of the view, based on principle of preponderance that Dr. Abdul Khalique had acted in flagrant violation of the Delhi Medical Council’s Order No.DMC/DC/ F.14/Comp.1943/2/2019/281760, 281762, 281763, 281766, 281767, 281769, 281771 dated 29th April, 2019 suspending him for practicing for the period 90 days w.e.f. 30th May, 2019 to 27th August, 2019. This action of Dr. Abdul Khalique is highly deplorable, reflects his recalcitrant attributed towards a Statutory Authority. The Disciplinary Committee, therefore, recommends that the name of Dr. Abdul Khalique (Delhi Medical Council Registration No.16900) be removed for further 90 days from the State Medical Register of the Delhi Medical Council and a warning be issued to Dr. Nabeela Khalique (Delhi Medical Council Registration No.82070).

Matter stands disposed.

 Sd/: Sd/: Sd/:

(Dr. Subodh Kumar), (Dr. Ashwini Dalmiya) (R.S. Mohil)

Chairman, Delhi Medical Association, Expert Member,

Disciplinary Committee Member, Disciplinary Committee

 Disciplinary Committee

The Order of the Disciplinary Committee dated 24th February, 2020 was confirmed by the Delhi Medical Council in its meeting held on 28th February, 2020.

The Council also confirmed the punishment of warning awarded by the Disciplinary Committee to Dr. Nabeela Khalique (Delhi Medical Council Registration No.82070).

The Council further confirmed the punishment of removal of name of Dr. Abdul Khalique (Delhi Medical Council Registration No.16900) for a period of 90 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. Mohd. Anwar Ahmed, r/o- 5089, Gali No.1, Kokasi, Old Seelam Pur Delhi-110031.
2. Dr. Abdul Khalique, 1081, Beverly Hills Apartments, Geeta Colony, Delhi-110031
3. Dr. Nabeela Khalique, 1081, Beverly Hills Apartments, Opposite Chacha Nehru Bal Chikitsalayan, Geeta Colony, Delhi-110031.
4. Registrar, Rajasthan Medical Council, Sardar Patel Marg, Near 22 Godam Circle, C-Scheme, Jaipur-302001, Rajsthan **(Dr. Abdul Khalique is also registered with the Rajasthan Medical Council under Registration No-11984 dated 20-06-1988)-for information & necessary action.**
5. Registrar, Uttar Pradesh Medical Council, 5, Sarvapally Mall Avenue Road, Lucknow-226001, Uttar Pradesh (**Dr. Nabeela Khalique is also registered with Uttar Pradesh Medical Council under registration No-78452 darted 26/9/2017**)-**for information & necessary action**.
6. Secretary, Medical Council of India, Pocket-14, Sector-8, Phase-1, Dwarka, New Delhi-110077-**for information & necessary action**.

 (Dr. Girish Tyagi) Secretary