DMC/DC/F.14/Comp.2998/2/2024/ 14th October, 2024

**O R D E R**

The Delhi Medical Council through its Disciplinary Committee examined a complaint of Dy. Director Education South Zone, seeking verification of genuineness of medical certificate issued by Dr. Abhijit Dey to Smt. Prakash Manchanda.

The Order of the Disciplinary Committee dated 01st October, 2024 is reproduced herein-below:-

The Disciplinary Committee of the Delhi Medical Council examined a complaint of Dy. Director Education South Zone, seeking verification of genuineness of medical certificate issued by Dr. Abhijit Dey to Smt. Prakash Manchanda.

The Disciplinary Committee perused the complaint, written statement of Dr. Abhijit Dey and other documents on record**.**

The following was heard in person :-

1. Dr. Abhijit Dey Orthopedician

It is noted that Dy. Director Education South Zone in its complaint has alleged that this office is in receipt of few medical certificates issued by the doctor, confirming certain ailments viz. asthma, varicose veins, tremors in left hand and cardio-logical diseases in respect of Smt. Prakash Manchanda, Teacher (Primary), working in SDMC Primary School Rajokri(Girls), New Delhi during the period 23rd August, 2018 to 31stMarch, 2019. She remained on leave during the period and requested the period to be treated as an extraordinary leave on medical grounds. The matter was referred to the Medical Board. The Medical Board examined her on 14.03.2019 and declared her medically fit as on date but asserted that *‘she was unwell earlier for which she was being treated elsewhere. No opinion can be given for that period. Also the genuineness of the medical certificate issued cannot be verified at this end and has to ascertain from the Delhi Medical Council’*. In this regard, the intervention of the Delhi Medical is solicited to ascertain the genuineness of the medical certificates issued to her.

Dr. Abhijit Dey in his written statement averred that he had issued two medical certificates dated 20th November, 2018 and dated 01st April, 2019 to the patient Smt. Prakash Manchanda. The one issued on 20th November, 2018, clearly states that she must abstain from stair climbing and prolonged standing for the next six months. During this time, she was advised to take appropriate supplements, medicines and physiotherapy to aid her recovery from painful osteoarthritis of both the knees. He (Dr. Abhijit Dey) has no-where mentioned that this is a certificate for medical leave. The one issued on 01st April, 2019 is a fitness certificate, given after he evaluated her condition and certified that she had recovered sufficiently to resume her duty (inclusive of standing and stair climbing). Both the above mentioned certificates are bona-fide and issued by him. Since it is an O.P.D. case, he does not possess any records of the same. He is, therefore, unable to provide the attested copy of the medical records pertaining to this matter, as asked by the Delhi Medical Council.

On enquiry by the Disciplinary Committee, Dr Abhijit Dey acknowledged that in case of osteoarthritis, he does give the medical certificate for prolonged period.

In view of the above, the Disciplinary Committee observes that even though, Dr. Abhijit Dey maintained that the certificate dated 20th November, 2018 issued by him, was not for the purpose of medical leave; since he has not mentioned the same in the certificate and all he had advised to the patient was not to climb stairs or stand for prolonged periods for a period of six months, as she was under his treatment for acute painful osteoarthritis of knees. He further emphasized that he had not certified that the patient was not fit for duty. It is, however, noted that Dr. Abhijit Dey acknowledged on 01st April, 2019, he did issue a fitness certificate, declaring the patient to be fit to join duty with effect from 01st April, 2019. In view of the same, it is established that the certificate dated 20th November, 2018 was indeed a medical certificate for the purposes of leave for a prolonged period of six months without any justifiable medical reasons. Further, the medical certificate was not in adherence to the provisions of Regulation 1.3.3 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics), Regulations, 2002, which mandates that “*a registered medical practitioner shall maintain a Register of Medical Certificates giving full details of certificates issued. When issuing a medical certificate he / she shall always enter the identification marks of the patient and keep a copy of the certificate. He / She shall not omit to record the signature and/or thumb mark, address and at least one identification mark of the patient on the medical certificates or report. The medical certificate shall be prepared in the format prescribed under the aforesaid regulation.”*

Dr. Abhijit Dey is 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.

In light of the observations made herein-above, the Disciplinary Committee holds Dr. Abhijit Dey to 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 a warning be issued to Dr. Abhijit Dey(Delhi Medical Registration No.10336)for his aforementioned misconduct.

Complaint stands disposed.

Sd/: Sd/:

(Dr. Maneesh Singhal) (Dr. Alok Bhandari)

Chairman, Delhi Medical Association,

Disciplinary Committee Member,

Disciplinary Committee

Sd/:

(Dr. Sumit Sural),

Expert Member,

Disciplinary Committee

The Order of the Disciplinary Committee dated 01st October, 2024 was confirmed by the Delhi Medical Council in its meeting held on 03rd October, 2024.

The Council also confirmed the punishment of warning, awarded by the Disciplinary Committee to Dr. Abhijit Dey (Delhi Medical Registration No.10336).

The Council further observed that the Order directing issuance of warning 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. Deputy Director of Education, SDMC Education Department, South Zone, Green Park, New Delhi-110016, w.r.t. letter No.D/DDE/SDMC/SZ/2019/D/5266 dated 02.01.2020.
2. Dr. Abhijit Dey, A-1/278, Sushant Lok, Phase-2, Sector-55, Haryana-122003.
3. National Medical Commission, Pocket-14, Phase-1, Sector-8, Dwarka, New Dehi-110077-**for information & necessary action for information & necessary action and further, *Dr.* Abhijit Dey *is also registered with erstwhile Medical Council of India under Registration No.3795 dated 03.01.1984***- **for information & necessary action.**

(Dr. Girish Tyagi)

Secretary