

# Supreme Court: The Medical Council's Report Is Not Enough to Disprove Consumer Forum's Evidentiary Findings Regarding Medical Negligence

written by King Stubb & Kasiva | March 21, 2024



## **Introduction**

In a seminal ruling, the Supreme Court of India recently delivered a judgment shedding light on the critical role of evidentiary findings in cases of medical negligence. The case of *Najrul Seikh versus Dr. Sumit Banerjee & Anr*<sup>[1]</sup> illuminated the intricacies surrounding patient care, the responsibilities of medical practitioners, and the adjudication process through consumer forums. This article discusses the facts of the case, the legal arguments presented, the court's meticulous analysis, and the broader ramifications of this momentous decision.

- [Introduction](#)
- [Facts of the Case](#)
- [Legal Proceedings](#)
- [Legal Submissions](#)
- [Court's Analysis and Judgement](#)

- [Implications of the Ruling](#)
- [Conclusion](#)

## Facts of the Case

The case centres around Master Irshad, a 13-year-old boy who tragically lost vision in his right eye following a cataract surgery performed by Dr. Sumit Banerjee and Megha Eye Centre. Najrul Seikh, the appellant and Irshad's father, unable to afford treatment at Disha Eye Hospital, sought medical assistance from the respondents. However, post-surgery complications ensued, resulting in irreversible vision impairment for Irshad. Alleging medical negligence, Najrul Seikh initiated legal proceedings under the Consumer Protection Act, 1986, initiating a legal saga that unfolded across various consumer dispute redressal forums.

## Legal Proceedings

Initially, the District Consumer Disputes Redressal Commission (DCDRC) ruled in favor of the appellant, citing glaring deficiencies in the medical services provided by the respondents and consequently awarding compensation. However, the West Bengal State Consumer Disputes Redressal Commission (SCDRC) overturned this decision, leaning on a report from the West Bengal Medical Council, which purported contributory negligence on Najrul Seikh's part. Subsequently, the National Consumer Disputes Redressal Commission (NCDRC) also dismissed the appeal, prompting Najrul Seikh to seek recourse in the highest court of the land.

## Legal Submissions

At the heart of the appellant's contention lay the selective appreciation of evidence by the lower forums and the outright dismissal of expert testimony provided by Dr. Anindya Gupta. Dr. Gupta's exhaustive testimony illuminated the lapses in pre-operative and post-operative care by the respondents, underscoring the glaring negligence inherent in the treatment process. Conversely, the respondents argued that the report of the Medical Council was tantamount to absolving them from any culpability in the alleged medical negligence.

## Court's Analysis and Judgement

In a meticulous analysis, the Supreme Court, comprising Justice Vikram Nath and Justice Satish Chandra Sharma, underscored the paramount importance of evidentiary findings in adjudicating cases of medical negligence. The court duly acknowledged the credibility of Dr. Gupta's expert evidence, effectively establishing a cogent nexus between the lapses in post-operative care and the subsequent loss of vision. Casting aspersions on the undue reliance placed by SCDRC and NCDRC solely on the report of the Medical Council, the court emphatically stressed the imperative for a holistic examination of evidence.

# Implications of the Ruling

The Supreme Court's landmark ruling sets a monumental precedent for future cases entailing medical negligence. It unequivocally underscores the indispensable role of consumer forums in dispensing justice for aggrieved individuals and holding medical practitioners accountable for their actions. The ruling serves as a poignant reminder to healthcare providers of their solemn duty of care and the grave ramifications of any dereliction thereof. By prioritizing meticulous evidentiary scrutiny, the court reaffirms its unwavering commitment to the principles of fairness, equity, and transparency in the administration of healthcare services.

## Conclusion

The Supreme Court's resolute judgment in the Najrul Seikh case represents a significant stride towards fortifying accountability in cases of medical negligence. By steadfastly prioritizing evidentiary rigour over bureaucratic formalism, the court exemplifies its steadfast dedication to ensuring justice for victims and upholding the integrity of consumer dispute redressal mechanisms. This watershed ruling stands as a beacon of hope for countless individuals grappling with the aftermath of medical malpractice, reaffirming the inviolable principles of fairness, accountability, and redressal in the realm of healthcare delivery.

---

[1]

[https://webapi.sci.gov.in/supremecourt/2018/5710/5710\\_2018\\_8\\_10\\_50717\\_Judgment\\_22-Feb-2024.pdf](https://webapi.sci.gov.in/supremecourt/2018/5710/5710_2018_8_10_50717_Judgment_22-Feb-2024.pdf)

**[King Stubb & Kasiva,](#)**  
**Advocates & Attorneys**

[Click Here to Get in Touch](#)

[New](#)

[Delhi](#) | [Mumbai](#) | [Bangalore](#) | [Chennai](#) | [Hyderabad](#) | [Mangalore](#) | [Pune](#) | [Kochi](#) | [Kolkata](#)

Tel: [+91 11 41032969](tel:+911141032969) | Email: [info@ksandk.com](mailto:info@ksandk.com)