

Details for registration number : DSEHE/E/2019/02058

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| Name Of Complainant | Dr ROHIT JAIN |
| Date of Receipt | 12/04/2019 |
| Received By Ministry/Department | Higher Education |

Grievance Description

1. Kindly refer to letter RTI Reply dated 5.4.2019 No. AO/OPIP/RTI-17/2018-19 transferred by MHRD to IIT Bombay. (pdf attached).

2. As per the reply All the lab reports are signed by Lab Technicians at IIT Bombay.

3. The Subject Pathology falls within the definition of medicine u/s 2(g) of the IMC Act. Hence, since pathology is a branch of medicine, the Practice of pathology (i.e. signing of laboratory reports) comes within the purview of the IMC Act & the Restrictions contains in the act are equally applicable to the practice of Pathology. Also, The members of the Adhoc Committee appointed by the Honble Supreme Court and of the Executive Committee of the Council observed that the subject of Pathology is included in the paraclinical subjects of Phase II under clause 10 pertaining to paraclinical subjects of Phase-II of Graduate Medical Education Regulations, 1997 (refer MCI executive committee meeting dated 10.11.08 POINT 32)

4. None of the Persons mentioned in Point 2 are qualified to sign the Laboratory Reports as they do not hold a registered postgraduate qualification in Pathology and are blatantly violating:

A. The Honorable Supreme court of India order in Review Petition (Civil) No. 1825/2018 in SLP No. 28259/2010 dated 10.07.2018 reiterating the fact that THE STAND OF THE MEDICAL COUNCIL OF INDIA THAT LABORATORY REPORT

CAN BE COUNTERSIGNED ONLY BY A REGISTERED MEDICAL PRACTITIONER WITH A POSTGRADUATE QUALIFICATION IN PATHOLOGY IS CORRECT.

B. The Honorable Supreme Court order dated 12.12.2017 in SLP No. 8259/2010.

C. Clause 7.20 of the Indian Medical Council (Professional Conduct, ethics and etiquettes) Rules 2002. A physician cannot claim to be a specialist unless he has a special qualification in that branch.

D. Clinical Establishments (Central Government) Amendment Rules, 2018 Minimum Standards for Medical Diagnostic Laboratories (or Pathological Laboratories) dated 18.5.2018 The Molecular Pathology being an advanced category of lab as per the Clinical Establishments (Central Government) Amendment Rules, 2018.

E. Clause 5.1 (Personnel) of the NABL 112 issue 4 Specific Criteria for Accreditation of Medical Laboratories dated 11.2. 2019.

G. Authorization to sign Pathology Report by the Minister of State (Health and Family Welfare), Sh Ashwini Kumar Choubey in a written reply in the Rajhya Sabha on 06.02.2018.

H. The Patna High court Interim order dated 30 .8.2018, Page 7 to 9 of 11 of the CWJC No.20444 of 2014 and CWJC No. 8055 of 2015 : It is reported that the aforesaid judgment of the Gujarat High Court has been affirmed by the Honorable Supreme Court vide order dated 12.12.2017 in Petition(s) for Special Leave to Appeal (C) No(s). 28529/2010 and the Honorable Supreme Court has disposed of the SLP(s) by taking a view that the stand of the MCI that the laboratory report can be counter-signed only by a registered medical practitioner, with a post graduate qualification in Pathology, is correct. Therefore, as per the decision of the Honorable Supreme Court, the laboratory reports can be countersigned only by a registered medical practitioner, with a post graduate qualification in Pathology only.

RELIEF SOUGHT:

All the Laboratory reports at IIT, MUMBAI MUST BE SIGNED in accordance with

the Supreme court order dated 12.12.2017 in SLP 28529/2010 and Clinical Establishments (Central Government) Amendment Rules, 2018 - Minimum Standards for Medical Diagnostic Laboratories (or Pathological Laboratories) dated 18.5.2018 to prevent Quackery and in the best interest of health of the citizens of India .

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| Current Status | Under process |
| Date of Action | 26/04/2019 |
| Remarks | |
| Forwarded for necessary action. A reply may be sent to the petitioner. | |
| Officer Concerns To | |
| Officer Name | Dr. R. Premkumar |
| Officer Designation | Registrar |
| Contact Address | Indian Institute of Technology Bombay Powai Mumbai |
| Email Address | registrar@iitb.ac.in |
| Contact Number | 02225767020 |
| Reminder(s) / Clarification(s) | |
| Reminder Date | Remarks |
| 13/05/2019 | It has been a month since the grievance but no action taken for violation of supreme court orders |
| 27/05/2019 | it has been one month since the grievance was transferred to Registrar, IIT Mumbai but no action taken. |
| 15/06/2019 | IT IS ALREADY 2 MONTHS SINCE THE GRIEVANCE BUT STILL THERE IS A BLATANT VIOLATION OF THE SUPREME COURT dated 12.12.2017 in SLP No. 8259/2010 and Review Petition order (Civil) No. 1825/2018 in SLP No. 28259/2010 dated 10.07.2018. |

