



MAHARASHTRA MEDICAL COUNCIL, MUMBAI

(Established by Govt of Maharashtra under MMC Act, 1965)

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189-A, Anand Complex,
1st Floor, Sane Guruji Marg,
Arthur Road Naka, Chinchpokali (w),
Mumbai-400011

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MMC/DC/33/2018/2020/02874

Date: 2/12/2020

In the matter of~

Buldhana District Pathology Association
Dr. Gopal Murlidhar Soni (The Secretary) Complainant

V/s

Dr. Ashok Shrawan Bawaskar Respondent
(Reg. No. 62971)

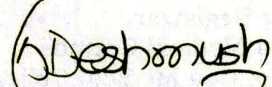
ORDER

1. Whereas, complainant Dr. Gopal Murlidhar Soni (The Secretary, Buldhana District Pathology Association) has filed complaint to take legal action against Dr Ashok Shrawan Bawaskar (Respondent) who is referring patient to clinical laboratory run by DMLT's &/or signs DMLT Reports, given space to DMLT's for running laboratory/pathology. Thus, promoting, protecting & patronizing quackery in medical field. Further, boosting moral of quack & associate professionally with a person who violates various acts related to medical practice.
2. Therefore, in view of Section 22 of MMC Act, 1965 and Rules 62-74 of MMC Rules, 1967 Council has decided to conduct enquiry and issued letter dt. 20/06/2018 to submit explanation from Dr. Ashok Shrawan Bawaskar (Respondent).
3. Dr. Ashok Shrawan Bawaskar (Respondent) has submitted his explanation vide letter dt. 02/07/2018.
4. Council has forwarded explanation received from Dr. Ashok Shrawan Bawaskar (Respondent) to complainant Dr. Gopal Murlidhar Soni (The Secretary, Buldhana District Pathology Association) on 16/02/2019.
5. Complainant Dr. Gopal Murlidhar Soni (The Secretary, Buldhana District Pathology Association) has filed rejoinder on 15/03/2019.
6. All the documents including explanation of Dr. Ashok Shrawan Bawaskar (Respondent) referred to Ethical Committee.
7. Ethical Committee has decided to call both the parties for hearing. Thereafter,

- summons issued on dt. 22/03/2019 for the enquiry dt. 30/03/2019.
8. After scrutiny of complaint papers and hearing of both the parties Ethical Committee has consider complaint and observed that;
 - a. Dr. Ashok Shrawan Bawaskar (Respondent) is running in-house laboratory/pathology run by DMLT technicians.
 - b. Secondly, Dr. Ashok Shrawan Bawaskar (Respondent) is referring patient to clinical laboratory run by DMLT's.
 - c. Treats the patient on the basis of reports issued by DMLT technicians.
 9. In view of above reasons the Ethical Committee in its meeting dt. 30/03/2019 has decided to frame charges against Dr. Ashok Shrawan Bawaskar (Respondent). Accordingly, on 10/10/2019 charge sheet including statement of allegation, relevant papers provided to Dr. Ashok Shrawan Bawaskar (Respondent).
 10. Dr. Ashok Shrawan Bawaskar (Respondent) has filed reply on notice of charges on 31/10/2019.
 11. Council vide letter dt. 09/10/2020 issued summons to complainant Dr. Gopal Murlidhar Soni (The Secretary, Buldhana District Pathology Association) as well as Dr. Ashok Shrawan Bawaskar (Respondent) to appear for enquiry before Executive Committee through video conference (Zoom App) to state their case on 23/10/2020.
 12. On the day of hearing i.e. on 23/10/2020, complainant namely Dr. Gopal Murlidhar Soni (The Secretary, Buldhana District Pathology Association) along with his advocate Sandip Purohit and Dr. Ashok Shrawan Bawaskar (Respondent) were present.
 13. Complainant Dr. Gopal Murlidhar Soni (The Secretary, Buldhana District Pathology Association) and Dr. Ashok Shrawan Bawaskar (Respondent) have stated their case.
 14. Committee observed that, despite of having 5 qualified pathologists in Khamgaon Dr. Ashok Shrawan Bawaskar (Respondent) used to send patients to DMLT path labs for investigations & further, misguided the Council by saying he is unaware of the Supreme Court order which is applicable to each and every doctor in respect of DMLT. Further, RMP accepted his guilt that he is treating the patient on the basis of technician's report. Secondly, evidence shows that technician also running laboratory in his premises.
 15. Thus, for the gross violation of professional misconduct and code of ethics as enumerated under Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulation 2002, r/w section 22 of MMC Act. 1965 and charged under article 1.1.1, 1.1.2, 1.2.1, 1.9 of chapter 1 of Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulation 2002 as well as failed to maintain the dignity of the profession. Thus, failed to observe the law of the country in regulating practice of medicine. Also failed to observe the provisions of the state & violated the guidelines of Apex Court in the subject.

16. Thus, aforesaid conduct of Dr. Ashok Shrawan Bawaskar (Respondent) is highly objectionable in medical fraternity. Therefore, you are negligent & involved in gross professional misconduct.
17. Therefore, the Council has sentenced **to remove the Registration No.-62971 of Dr. Ashok Shrawan Bawaskar (Respondent). for 2 months from Register of the Council** from the date of the order. The said punishment of removal of registration shall be implemented after appeal period are over.
18. **"A medical practitioner or professional who is aggrieved by any action taken by a State Medical Council may prefer an appeal to the Ethics and Medical Registration Board against such action as per Section 30 (3) of the National Medical Commission Act, 2019 to NMC."**

Date of order shall be treated for the Period of limitations.


(Sanjay Deshmukh)

Registrar
Maharashtra Medical Council

To,

- ✓ 1) Dr. Gopal Murlidhar Soni
Secretary, Buldhana District Pathology Association,
Soni Pathology Laboratory & Blood Bank,
Farshi, Main Road, Buldhana 444303
- 2) Dr. Ashok Shrawan Bawaskar
Akshay Hospital, Khamgaon Civil Lines,
Zunzunwala Plots, Khamgaon,
Buldhana 444303

Copy forwarded for information:

To,

- 1) The Secretary,
National Medical Commission,
Pocket- 14, Sector - 8, Dwarka, Phase -1
New Delhi - 110077.
- 2) The Registrar,
Andhra Pradesh Medical Council
2nd Floor, Dr. NTR University of Health Sciences,
Gunadala, Vijayawada - 520008
State - Andhra Pradesh.
- 3) The Registrar,
Arunachal Pradesh Medical Council
Directorate of Health Services Complex,
Room No.161 & 162, Naharlagun, Papum Pare - 791110,
State - Arunachal Pradesh.

- 4) The Registrar,
Assam Council of Medical Registration
Khanapara, Guwahati -781022.
State - Assam.
- 5) The Registrar,
Bihar Medical Council
Road No. 11/D, Rajendra Nagar, Patna - 800016,
State - Bihar.
- 6) The Registrar,
Chhattisgarh Medical Council
1st Floor, Above Dr. Balmukund Sharma Clinic,
Kanakalipara, Near Nagar Nigam Ayurvedic Hospital,
Raipur-492001, State - Chhattisgarh.
- 7) The Registrar,
Delhi Medical Council
Room No. 308/A, 3rd Floor, Administrative Block,
M.A. Medical College, Bahadur Singh Zafar Marg,
New Delhi-110002, State - Delhi.
- 8) The Registrar,
Goa Medical Council
C/o. Goa Medical College
NH 17, Bambolim, Tiswadi - 403202,
State - Goa.
- 9) The Registrar,
Gujarat Medical Council
1st Floor, Old Nursing College Building,
Near M.P. Shah Cancer Hospital, Civil Hospital Campus,
Asarwa, Ahmedabad - 380016, State - Gujarat.
- 10) The Registrar,
Haryana Medical Council
Civil Hospital, Opp. Swasthya Bhawan,
Sec.-6, Room No.-46, Panchkula - 134109
State - Haryana.
- 11) The Registrar,
Himanchal Pradesh Medical Council
Set No. 3; Priyadarshni Apartment
IGMC Road, Shimla-1, State - Himanchal Pradesh.
- 12) The Registrar,
Jammu & Kashmir Medical Council
H.No.28 B/C, 1st Floor, Gandhi Nagar,
Jammu-180004.
- 13) The Registrar,
Jharkhand Medical Council
6th Floor RPS Hospital, Bajra - Bariatu Road,
Morabadi, Ranchi-834 009, State - Jharkhand.

- 14) The Registrar,
Karnataka Medical Council
#16/6, Miller Tank Bed Area, Vasanthnagar,
Bangalore - 560052, State - Karnataka.
- 15) The Registrar,
Travancore Cochin Council of Modern Medicine,
Combined Council Building, Red Cross Road,
Palayam Airport Road, Trivandrum,
Thiruvananthapuram-695035, State - Kerala.
- 16) The Registrar,
Madhya Pradesh Medical Council
F-7, Sanchi Complex, Opp. Bord Office,
Bhopal - 462016, State - Madhya Pradesh.
- 17) The Registrar,
Manipur Medical Council
Office of Registrar, Medical Directorate Complex,
RIMS Road, Lamphel, Imphal - 795004.
- 18) The Registrar,
Meghalaya Medical Council,
C/o, Director of Health Services (MI),
Shillong - 793 001, State - Meghalaya.
- 19) The Registrar,
Mizoram Medical Council
B/503, Block B, Civil Hospital, Aizawl - 796001, State -
Mizoram.
- 20) The Registrar,
Nagaland Medical Council
PMTI Complex, Merhulitsa Colony,
Kohima-797001, State - Nagaland.
- 21) The Registrar,
Odisha Council of Medical Registration
Block No. 11, Unit-V, Bhubaneswar-751001 State -Odisha.
- 22) The Registrar,
Punjab Medical Council,
Medical Education Bhawan, Near Excise and Taxation
Building, Sector-69, SAS Nagar, Mohali - 160069,
State - Punjab.
- 23) The Registrar,
Rajasthan Medical Council
Govt. Dispensary Campus, Near Sahkar Bhawan,
Sardar Patel Marg, Opp. Residency, C-Scheme,
Jaipur - 302001, State - Rajasthan.

- 24) The Registrar,
Sikkim Medical Council
Library Building, STNM Hospital Complex,
PO Gangtok, East Sikkim-737101, State - Sikkim.
- 25) The Registrar,
Tamil Nadu Medical Council
New No. 914, Old No. 569, Poonamalle High Road,
Arumbakkam, Chennai-600106, State - Tamil Nadu.
- 26) The Registrar,
Telangana State Medical Council
P.B.523, Sultan Bazar, Near Post Office,
Opposite Womens College, Hyderabad - 500 095,
State - Telangana.
- 27) The Registrar,
Tripura State Medical Council
Dr. P. B. Das Memorial Building
Bidur Karta Chawmuhani
Agartala-799 001. State - Tripura.
- 28) The Registrar,
Uttar Pradesh Medical Council
5, Sarvapalli Mall, Avenue Road,
Lucknow-226001, State - Uttar Pradesh.
- 29) The Registrar,
Uttarakhand Medical Council
Office of the Director General,
Medical Health & FW Uttarakhand
Room No. -67-68, Village - Danda Lakhond,
P.O. Gujrada, Dehradun - 248001, State - Uttarakhand.
- 30) The Registrar,
West Bengal Medical Council
IB - 196, Sector - III, Salt Lake,
Kolkata - 700 106, State - West Bengal.