



MAHARASHTRA MEDICAL COUNCIL, MUMBAI

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

Address:

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

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MMC/DC/39/2019/2020/02939-40

18/09/2021

In the matter of~

Dr. Prasad Prabhakar Kulkarni Complainant

V/s

Dr. Rajesh Soni Respondent 1
(Reg. No. 2016114737)

Dr. Sireesha Mohan Respondent 2
(Reg. No. 63614)

ORDER

1. Whereas, complainant Dr. Prasad Kulkarni has filed complaint to take legal action against Dr. Rajesh Soni (Respondent 1) who is pathologist & microbiologist. Dr. Prasad Kulkarni in his complaint stated that during the investigation of insurance claim cases, Dr. Rajesh Soni certified pathology lab reports without personal supervision or attendance & used to allow his scan signature to the pathology labs.
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. 30/04/2019 to submit explanation from Dr. Rajesh Soni (Respondent 1)
3. Dr. Rajesh Soni (Respondent 1) have submitted his explanation vide letter dated 01/07/2019 to the Council.
4. All the documents including explanation of Dr. Rajesh Soni (Respondent 1) referred to Ethical Committee.
5. Ethical Committee has decided to call all the parties for hearing. Thereafter, summons issued on dt. 07/10/2019 & 21/12/2019 for the enquiry dt. 19/10/2019 & 04/01/2020 respectively.
6. After scrutiny of complaints papers, on hearing of complaint, Ethical Committee has considered complaint and observed that;
 - a. Dr. Rajesh Soni (Respondent 1) is associated with multiple pathology laboratories which are located at various distance places.

- b. Dr. Rajesh Soni (Respondent 1) certified pathology lab reports without personal supervision or attendance.
- c. Dr. Rajesh Soni (Respondent 1) allowed laboratories/ technicians/ non-medico persons to use his scan signature.

7. In view of above reasons the Ethical Committee in its meeting dt. 04/01/2020 has decided to frame charges against Dr. Rajesh Soni (Respondent 1) Accordingly, on 20/03/2020 charge sheet including statement of allegation, relevant papers provided to Dr. Rajesh Soni (Respondent 1).

8. Dr. Rajesh Soni (Respondent 1) till date has not filed any reply on notice of charges.

9. Executive Committee decided to call all the parties for hearing. Thereafter, summons issued on dt. 09/10/2020 & 03/05/2021 for the enquiry dt. 23/10/2020 & 15/05/2021 respectively.

10. On the day of hearing, i.e. on 23/10/2020, complainant namely Dr. Prasad Kulkarni was present and Dr. Rajesh Soni (Respondent 1) was absent with prior intimation.

11. On the day of hearing, i.e. on 15/05/2021, complainant namely Dr. Prasad Kulkarni was present and Dr. Rajesh Soni (Respondent 1) whereby he had requested for adjournment & despite of his request being disapproved by the Council, he remained absent.

12. Executive Committee observed that,

- a. Dr. Rajesh Soni (Respondent 1) had certified pathology lab reports without personal supervision or attendance & used to allow his scan signature to the pathology labs.
- b. Further, he has not yet submitted his defense in reply to the notice of charges issued by the council.

13. Whereas, Hon'ble Supreme Court in its judgement dated- 12/12/2017 has passed following order:-

"We dispose of all these special leave petitions and other pending application, if any, by taking a view that the stand of the Medical Council of India that Laboratory Report can be counter signed only by a Registered Medical Practitioner with a post graduate qualification in pathology is correct."

14. Whereas, MCI/MMC notification whereby council has informed to all registered medical practitioner that, no practitioner shall sign any clinical, lab/radiological reports, professional documents unless he/she is directly involved in conducting such test and reports. Council also warned practitioners to refrain and avoid signing multiple reports without supervision.

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, 1.4.1 of chapter 1, article 3.7.2 of chapter 3

r/w. article 7.7 of chapter 7 of Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulation 2002 as they have failed to maintain the dignity of the profession and failed to mentioned the Registration number on the reports, allow their digitalized signature and to attend laboratories on their behalf.

16. Therefore, Executive Committee passed resolution which is reproduced as under:

"Registration No. 2016114737 with the Maharashtra Medical Council is hereby suspended (under section 10(d) of MMC Act, 1965) till pending enquiry & you have been refrained from doing Medical practice &/or professional of any nature of practice during the period of suspension. If you found doing any kind of medical practice during the suspension period, suitable action will be taken against you as per law."

17. **"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. Prasad Prabhakar Kulkarni
Precision Diagnostic Centre,
A1/1, Sector 15, Vashi,
Navi Mumbai 400703

2) Dr. Rajesh Soni
Shreeji 38/I, Hariyala Plot,
Meghani Circle, Bhavnagar,
364001

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,
Himachal Pradesh Medical Council
Set No. 3; Priydarshni 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, Bhubaneshwar-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.

