



CARIBBEAN COURT OF JUSTICE

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MEDIA RELEASE

No. 09 :2016
05 July 2016

GY\$20 MILLION CLAIM BY MEDICAL DOCTOR REJECTED BY CCJ

Port of Spain - CCJ. The Caribbean Court of Justice (CCJ) gave judgment in *Medical Council of Guyana v Rama Sahadeo*, rejecting a claim of GY \$20 million by Dr. Rama Sahadeo for loss of earnings. This claim arose following upon his allegedly unlawful suspension from medical practice in October 1998 until he had satisfactorily answered some allegations of sexual misconduct made in 1977 by former patients. These allegations had been made after the doctor had left Guyana on June 3 1997 for medical treatment. The doctor, however, had been continually absent from Guyana till July 29 2000 so as to be unable to earn fees from medical practice. Moreover, an absence for over three years meant that the Council Secretary was bound by the Medical Practitioners Act to remove the doctor's name from the Medical Register before the doctor returned to Guyana

The CCJ held that from June 3 2000 the doctor could not complain of the lawful absence of his name from the Register. He was informed by the Council that his October 2000 and June 2002 applications to the Council for renewal of his annual licence could not be dealt with, without first having his name restored to the Register by satisfactorily answering the 1977 allegations against him. He had not appeared at a hearing before the Council to deal with the allegations before he brought these proceedings in 2003. The CCJ held his failure to answer these allegations had led to his inability to practise medicine so that he was not entitled to any damages for loss of earnings. The doctor was ordered to pay the Council's costs in the CCJ and the Court of Appeal, to be assessed if not agreed.

The CCJ incidentally pointed out that the Court of Appeal had no grounds to interfere with the trial judges' fact-finding as to the doctor's awareness of the complaints against him before he was suspended, and set aside the Court's order remitting the doctor's damages claim to the High Court to be determined on its merits. It affirmed the order of the Court of Appeal setting aside the trial judge's order that the Council proceed to hear and determine the allegations made against the doctor, so leaving this to the Council's discretion.

The Court was presided over by Mr Justice Nelson, along with Justices Wit, Hayton, Anderson, and Rajnauth-Lee. Mr Kamal Ramkarran appeared on behalf of the Medical Council while Sir Fenton Ramsahoye SC, Mr Roopnarine Satram, Mr Chandraprathesh V Satram and Mr Mahendra Satram appeared on behalf of Dr Rama Sahadeo.

The full decision and the Judgment Summary of the Court can be accessed via the CCJ's website at www.caribbeancourtofjustice.org.

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