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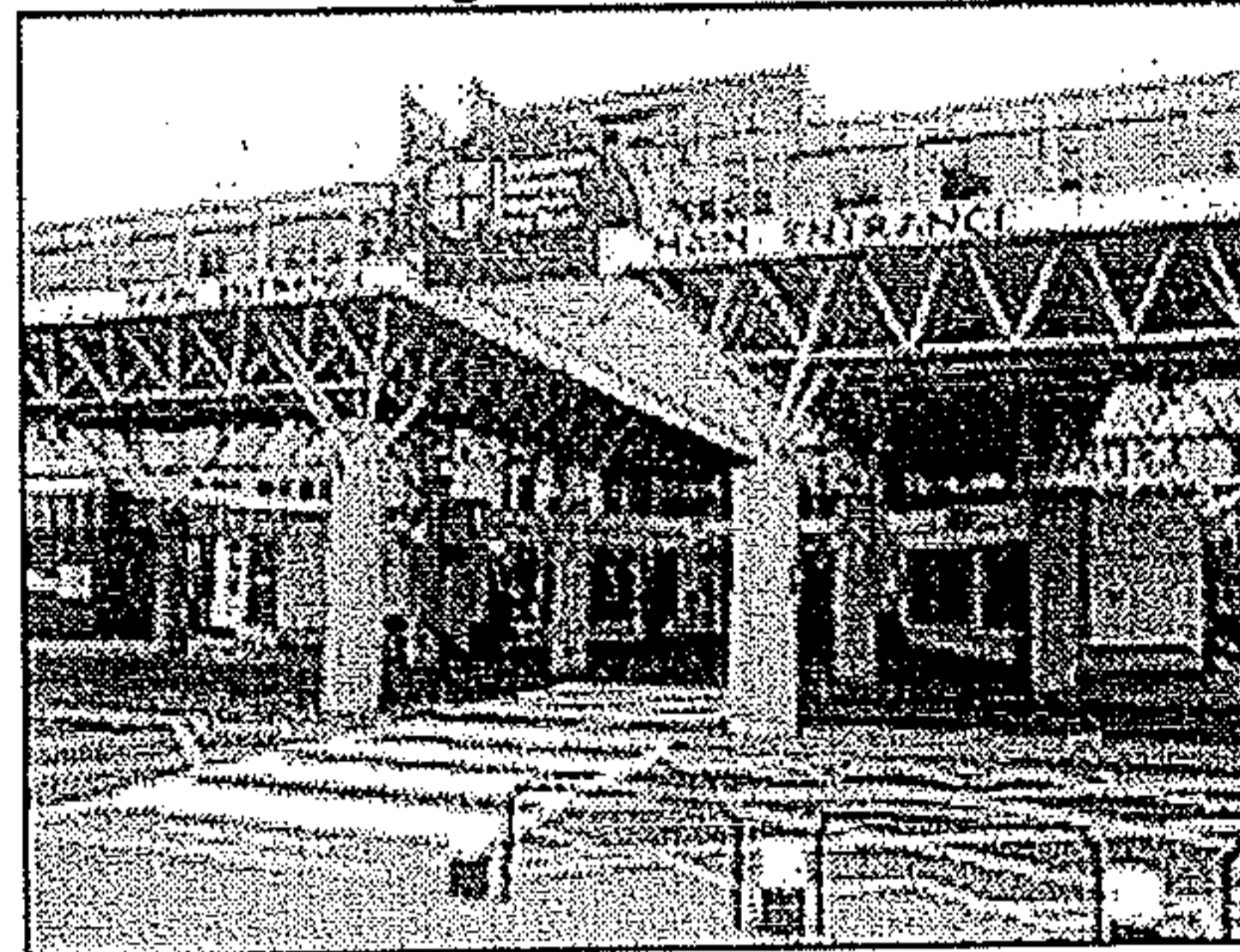
Last Updated: Tuesday, 6 January, 2004, 06:49 GMT

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## Anger at convicted doctor's job

The family of a man who died after an operation are challenging a decision to allow a doctor convicted of his manslaughter to work in a Tyneside hospital.



Southampton General, where Mr Phillips was treated

Dr Amit Misra was one of two doctors convicted in May 2003 of the manslaughter of Sean Phillips, who died in Southampton General hospital.

Dr Misra, 34, is currently training as an orthopaedic surgeon at the Freeman Hospital in Newcastle.

Mr Phillips' family wants a judicial review into the General Medical Council's (GMC) decision to allow the pair to continue practising.

A jury found Dr Misra and Dr Rajeev Srivastava guilty of the manslaughter of 31-year-old Sean Phillips.

Both were given suspended jail sentences.

Neither doctor was struck off by the GMC and both are planning to appeal against their convictions.

**“ It is absolutely unforgivable that this doctor is working in a hospital when he has a conviction for manslaughter ”**

Mr Phillips' father Myles, from Canterbury in Kent, condemned the decision to allow Dr Misra to train in Newcastle.

Myles Phillips, victim's father

He said: "I think it is absolutely unforgivable that this doctor is working in a hospital when he has a conviction for manslaughter which still stands.

### 'No risk to patients'

"The GMC should be forced to take immediate action.

"If the hospital knew of the conviction, I don't know why he was taken on."

A spokesman for Newcastle upon Tyne Hospitals NHS Trust said: "Mr Misra is a junior orthopaedic surgeon, deployed

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under supervision as part of his education and training across the hospitals in the North East.

"We have been given an assurance that no patient is at risk."

A spokesman for the GMC said: "We automatically consider all conviction cases - they are notified to us by the police.

### **'Normal procedures'**

"If a custodial sentence is given, the case automatically goes to the professional conduct committee, which is held in public.

"If it is non-custodial, the case goes through our normal procedures.

"We have to wait for the outcome of all criminal proceedings before we can take action."

Mr Phillips died after going into Southampton General Hospital for routine knee surgery in June 2000.

He developed a rare condition called toxic shock syndrome, which was not diagnosed.

### **Exceptional circumstances**

A jury at Winchester Crown Court took nine hours to find the two doctors guilty of manslaughter by gross negligence, in a majority verdict.

The judge, Mr Justice Gordon Langley, sentenced the two doctors to 18 months imprisonment, suspended for two years.

He said he had taken into account the real remorse the men had shown for Mr Phillips' death, the exceptional circumstances of the case, their good character and the fact that not all the circumstances that led to the tragic events were of their making.

The court heard the doctors had not asked a more senior colleague's advice or carried out tests when Mr Phillips became ill.

In the doctors' defence, the court heard it was unfair to single them out when the system they were working in was failing.

Their ward was understaffed at the time and both were under pressure.

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