

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No. 361 of 2022

Sri Amal Kr. Acharjee

....Petitioner

Vs

The State of Tripura and 4 Ors

....Respondents

For the Petitioner(s)	:	Ms. A. Debbarma, Advocate
For the Respondent(s)	:	Mr. M. Debbarma, Addl. GA

HON'BLE MR. JUSTICE ARINDAM LODH

Order

06/01/2023

Heard Ms. A. Debbarma, learned counsel appearing for the petitioner. Also heard Mr. M. Debbarma, learned Addl. GA appearing for the respondents-State.

By way of filing this writ petition, the petitioner has prayed for sanctioning medical reimbursement bills he raised on 27.02.2021 amounting to Rs.3,48,809/- to the Director, Directorate of Secondary Education, Govt. of Tripura for his treatment outside the State of Tripura.

The aforesaid medical reimbursement bills raised by the petitioner were returned on the ground that the petitioner could not obtain referral certificate for his treatment outside the State of Tripura.

I have perused the contentions made in the petition wherein the petitioner has stated the compelling circumstances under which he had to rush to Medica Superspeciality Hospital, Kolkata. The

respondents while rejecting the claim of the petitioner should have taken into consideration the exceptional circumstances the State was facing at that moment. All the doctors were busy to look after the patients suffering from Covid-19.

I have noticed that the petitioner on all the occasions visited to the hospitals outside the State of Tripura after obtaining referral certificate from the recognized medical Board constituted by the Government of Tripura. Suddenly, he had fallen seriously ill and being a renal transplanted patient he had suffered with Covid-19 and his life was at stake and under that situation, he was compelled to rush to Medica Superspeciality Hospital, Kolkata. In that situation, the need for obtaining referral certificate might not be possible for a patient like the petitioner, especially when SARS-Covid situation was at its peak and the movement of such patient like the petitioner ought to have been restricted. This Court has noticed that the petitioner had visited Dr. Rajesh Debbarma on 04.01.2021 and had to rush to Medica Superspeciality Hospital on 07.01.2021. He was suffering from Covid-19 as would be evident from test report dated 09.01.2021. It indicates that he was infected with Covid-19 prior to 09.01.2021 and in that situation, being a patient of kidney ailments, it was not safe for him to visit government hospital which was flooded with Covid patients for obtaining referral certificate. Moreso, it is further noticed that the concerned treating professor Dr. Dilip Kumar Pahari while issuing fitness certificate on 25.01.2021 had mentioned that the petitioner visited the hospital for his emergency treatment on 07.01.2021. These factors and circumstances ought to have taken into consideration by the State-respondents before rejecting the claim of the petitioner.

In view of this, I direct the State-respondents to consider the claim of the petitioner keeping in mind the above observations made by this Court, and this Court hopes and trusts that the concerned respondents shall release the claim of the bills raised by the petitioner to the tune of Rs.3,48,809/- or as admissible as per relevant rules within a period of 3(three) months from today.

With the aforesaid observations and directions, the instant writ petition stands disposed.

A copy of this order may be furnished to Mr. Debbarma, learned Addl. GA appearing for the respondents-State.

JUDGE



सत्यमेव जयते

Snigdha