

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 701 of 2023

Sri Rajkumar Tripura

---Petitioner(s)

Versus

The State of Tripura and 4 Others.

---Respondent(s)

For Petitioner(s)	:	Mrs. S. Deb(Gupta), Advocate.
For Respondent(s)	:	Mr. R. Chakraborty, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

08.04.2024

This is a petition under Article 226 of the Constitution of India for seeking the following relief(s).

- (i) *Admit this petition of the petitioner and call for records relevant to the subject matter from the custody of the respondents.*
- (ii) *As to why writ in the mandamus directing the respondents and each of them to provide the benefit of medical treatment at SRM Institute for Medical Science, Cheennai.*
- (iii) *As to why writ in the nature of certiorari quashing the letter No.F.4(8)-AGMC & GBPH/SMB/MISC/2021 dated 03.10.2023 issued by the respondent No.5 whereby the ex-post facto referral of the petitioner was not considered.*
- (iv) *As to why writ in the nature of mandamus directing the respondent No.5 to issue ex-post facto approval as the petition under emergency situation removed the implant with proper station leave permission.*
- (v) *Pass such other or further order/orders and directing/directions as to your Lordship deem fit and proper having regard to the facts and circumstances of the case.*

It is the case of the petitioner that the petitioner on 20.03.2020 met with a road traffic accident and was admitted to AGMC & GBP Hospital, Agartala with serious left leg injury. The Standing Medical Board referred the petitioner to ILS Hospital, Agartala, West Tripura for better treatment. On 02.04.2020, the petitioner was admitted to ILS Hospital, Agartala. On 05.04.2020 the operation is said to have been done on the petitioner. Subsequently, the medical expenditure was reimbursed in favour of petitioner. The petitioner was supposed to remove the implant on March, 2023. The concern Doctor of ILS Hospital, Agartala also informed the petitioner that there is a low chance of cure and for further advice the petitioner went to Chennai. Out of sudden severe pain, the petitioner

visited the Doctor at SRM Institute for Medical Science, Chennai. Urgent implant removal operation was done upon the petitioner. Thereafter, the petitioner sought medical reimbursement from the appropriate authority but the ex-post facto referral of the petitioner was not considered by the respondent No.5. It is further contended by the petitioner that the respondents failed to observe the genuineness and urgency of the petitioner and denied reimbursement on mere technical grounds. Hence this writ petition.

It is contended by the counsel for the petitioner that self preservation of one's life is the necessary concomitant of the Right to life enshrined in Article 21 of the Constitution of India, fundamental in nature, sacred, precious and inviolable. The petitioner therefore had the right to take step in self preservation. The petitioner for better advice went to Chennai after taking proper station leave. Out of severe pain in left leg at Chennai the petitioner went to SRM Institute for Medical Science, Chennai where the Doctors advised him for urgent implant removal and also assured him with chances of full recovery after implant removal.

After hearing both sides this court is of the view that the case of the petitioner to be given exemption of obtaining approval from Medical Board as it is a case of emergency.

In view of said submission, without expressing any opinion on the merits of the case, this present writ petition is disposed of directing the respondents to consider the request of the petitioner, if the bill amounts are not in dispute and the claim be considered in accordance with law within a period of one month from the date of receipt of copy of this order.

With the above observation and direction, this present writ petition stands disposed of. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

JUDGE

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