

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4438 of 2015

1. Sudhir Kumar Jha son of Late Ram Bhadra Jha, resident of Adarsh Colony, West Patel Nagar, P.S.- Shastri Nagar, District- Patna, at present working as Assistant Sub Inspector, Karakat Police Station, District- Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Home Department, Government of Bihar, Patna
3. Principal Secretary, Finance Department, Bihar, Patna
4. Under Secretary to Government, Home(Police) Department, Government of Bihar, Patna
5. Inspector General of Police (Headquarter), Bihar, Patna
6. Assistant Inspector of Police (Q), Bihar, Patna
7. Superintendent of Police, Rohtas

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Respondent/s : Mr. GA11- PARTHA SARTHI

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 03-07-2015

03.07.2015

Heard learned counsel for the petitioner and the State.

Merely because the petitioner has undertaken medical facilities from a private hospital, it does not mean that the State will reject his claim for medical reimbursement out right. There could be a compelling circumstance or otherwise under which the petitioner had to undergo surgical intervention. The State authorities have an obligation to reimburse his claim in accordance with the rate prescribed by the Bihar Medical Rules because the factum of availing medical facility is

not in dispute and it is also certified that the State has no obligation to reimburse all the claims raised by the petitioner for the facility availed by him from a private hospital.

Respondents will ensure that reimbursement of the petitioner is reworked on the basis of the prescribed rate in terms of the rules and the other claims which are not reimbursable is not required to be paid.

A decision in this regard must be taken within a period of three months from the date of production / communication of a copy of this order. The impugned orders, contained in Annexure-6 and 7, dated 13.10.2014 and 27.11.2014 respectively is hereby quashed. The matter is remanded for reconsideration in terms of the above.

Writ application is allowed.

(Ajay Kumar Tripathi, J.)

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