

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3609 of 2014

=====

1. Ram Pravesh Kumar Son Of Late Shovit Narayan Sharma Resident Of Village -
Gangeya, Police Station - Kurtha In The District Of Arwal

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Home Department,
Government Of Bihar, Patna
2. The Principal Secretary, Home Department, Government Of Bihar, Patna
3. The Director General And Inspector General Of Police, Government Of Bihar,
Patna
4. The Additional Secretary, Home (Police) Department, Government Of Bihar,
Patna
5. The Inspector General Of Police, Budget
6. The Deputy Inspector General (Personal), Patna
7. The Superintendent Of Police, Rohtas
8. The Senior Superintendent Of Police, Patna

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. SUNIL KUMAR

For the Respondent/s : Mr. PANDEY S SAHAY

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 26-02-2015

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 outright. There could be a compelling circumstance or otherwise under which the petitioner had to undergo surgical intervention for a cardiac disease. 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 2 and 3 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 of a copy of this order. The impugned order contained in Annexure 1 dated 24.9.2013 is hereby quashed. The matter is remanded for reconsideration in terms of the above.

Writ application is allowed.

(Ajay Kumar Tripathi, J)

haque/-

U			
---	--	--	--