

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2493 of 2016

=====

1. Sudhir Kumar Sinha Son of Late Anup Lal Sinha, R/V + P.O. - Ratan, P.S. - Gogri Jamalpur, District - Khagaria. At present posted as Habaldar No. 692 in Police Line, Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary Health Department, Bihar, Patna.
3. The Director in Chief, health Services, Bihar, Patna.
4. The Super-in-tendent P.M.C.H., Patna.
5. The Principal Secretary Home (Police), Bihar, Patna.
6. Sr. Superintendent of Police, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha

For the Respondent/s : Mr. ANJANI KUMAR- AAG6

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 09-09-2016

Petitioner is a Hawaldar in the Bihar Police. While he was posted in Jamui, he was suspected of cancer of mouth for which he approached Mahavir Cancer Sansthan, Patna. He did undergo some kind of treatment between 28.12.2013 and 17.01.2014. Looking at his condition, the petitioner was taken to Tata Memorial Hospital, Mumbai on reference and admitted there on 21.01.2014.

2. As per learned counsel for the petitioner, looking at the pressure upon Tata Memorial Hospital, Mumbai and absence of priority in the indulgence of surgery, which was required, the petitioner decided to approach P. D. Hinduja Hospital & Medical



Research Centre, Mumbai where he underwent surgery and was discharged after having been found medically fit. So far so good, but the problem for the petitioner started when he filed and submitted his bills for reimbursement of medical treatment. By virtue of a decision taken by the respondents, the claim of the petitioner has been rejected vide order dated 20.08.2015 as contained in annexure-6 summarily on the ground that P.D. Hinduja Hospital & Medical Research Centre, Mumbai is not one of the approved Hospital for the treatment of the employees of the State of Bihar.

3. The same kind of stand has also been taken in the counter affidavit filed on behalf of the State.

4. Learned counsel for the petitioner submits that the factum of treatment is not a matter of dispute. In a situation of that kind where life and death is the issue, the petitioner may have taken a decision with hope against hope to win his battle against Cancer, may be that by getting a better attention and quick medical response from another Hospital which was not an approved Hospital. The things being what they are and keeping in mind several decisions which have already been rendered by the High Court in similar kind of circumstance, one of which has been brought to the attention of this Court in the case of Arun Kumar Mishra Vs. State of Bihar and others reported in 2011(3) PLJR, 264, this Court quashes the impugned order

contained in annexure-6 and allows the writ application with direction upon the respondents that the medical reimbursement of the petitioner will be made on the basis of the approved rates of an approved hospital and not on actual terms basis to the petitioner. A decision in this regard must be taken within a period of three months from the date of receipt/production of a copy of this order.

5. This writ application stands allowed with the direction aforesaid.

(Ajay Kumar Tripathi, J)

Amin/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	