

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8690 of 2016

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Tripathi Nursing Home through its Managing Director Anil Kumar Tripathy
having its registered office at Chatradhari Bazar, South of Jail, P.S. Bhagwan
Bazar, District-Saran

... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Health Department,
State Government, Bihar
2. The District Magistrate cum Chairman, R.S.B.Y District Core Committee,
Saran at Chapra
3. The New India Assurance Company Limited through its Chairman, having
its registered office-87, M.G. Road, Fort, Mumbai-400 001.
4. Health India(Administrator), having its registered office at Vikroli,
Mumbai

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Kulanand Jha, Advocate

For the Respondent/s : Mr. Anil Kumar Sinha, GA-9

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 22-06-2016

Heard Mr. Alok Kumar Choudhary, learned counsel for
the petitioner and counsel for the State.

The petitioner is aggrieved by the order bearing Memo No.
563 dated 18.4.2016 whereby the petitioner Nursing Home has been
removed from the panel prepared under the Rastriya Swasthaya
Bima Yojana. The order impugned manifests that under the said
Scheme, 1844 uterus surgical operation had taken place during the
period 2015-16, of which three operations were done at the petitioner
Nursing Home and which were marred with controversy leading to
institution of police case giving rise to Bhagwan Bazar P.S. Case No.



50 of 2013 and which remains pending. The petitioner and some other accused in the criminal case have been charged with defalcation and of conducting operation in illegal manner through a criminal conspiracy. It is in this view of the matter that the petitioner Nursing Home was removed from the panel of the National Health Insurance Scheme. The matter rested at that stage when on 11.8.2015 the District Core Committee prepared a fresh list of Nursing Homes under the Rashtriya Swasthya Bima Yojana for treatment of the patients coming under below poverty line category and which was inclusive of the petitioner as well as two other Nursing Homes against whom the criminal cases are yet pending. It is in this view of the matter that the District Magistrate who also happens to be the Chairman of the District Core Committee, Rashtriya Swasthya Bima Yojana, Saran at Chapra has decided to remove the accused Nursing Homes from the panel which includes the petitioner.

Although Mr. Choudhary, learned counsel for the petitioner has laboured hard to satisfy this Court that the order is in violation of the principles of natural justice inasmuch as no opportunity of hearing was given to the petitioner but even while canvassing as such Mr. Choudhary does not dispute that the criminal case is yet pending and which had led to the removal of the petitioner from the earlier panel vide order passed on 02.4.2013 and which has

attained its finality, not having been questioned before any forum.

In my opinion, a remand of the matter as prayed for by learned counsel would be merely a completion of empty formality and would serve no useful purpose for until such time that the petitioner Nursing Home is exonerated of the criminal charges in the pending criminal cases, it cannot claim any right to be on the panel of the scheme in question. No cause for indulgence is made out.

The writ petition is disposed of.

(Jyoti Saran, J)

S.Sb/-

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