

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23712 of 2013

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1. Md. Shakeel Hasnain Son Of Late Md. Monazrul Haque Resident Of Haroon Nagar Colony, P.O. & P.S.- Phulwarisharif, Patna

.... Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary, Department Of Food And Consumer Protection, Government Of Bihar, Patna
2. The Principal Secretary, Department Of Food And Consumer Protection, Government Of Bihar, Patna
3. The Deputy Secretary, Department Of Food And Consumer Protection, Government Of Bihar, Patna
4. The District Magistrate, Patna
5. The Additional District Magistrate, Supply, Patna
6. The Sub-Divisional Officer, Patna City, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Advocate.
For the State : Mr. Arvind Ujjwal, SC-4
Mr. Upendra Pratap Singh, Ac to SC 4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 19-12-2016

Heard learned counsel for the petitioner and learned counsel for the State.

In the present writ petition, petitioner is claiming for medical reimbursement under the Bihar Medical Attendant Rule, 1977 which provides that the Government servant and its dependent in the event of illness the cost incurred in their medical treatment will be reimbursed by the State.

In the present case the wife of the present petitioner is suffering from a serious disease (Cancer) and was treated at



Mahabir Cancer Institute, Patna and later on she was referred to Apollo Special Hospital, Chennai.

Learned counsel for the petitioner submits that wife of the petitioner is suffering from Cancer is dependent on the petitioner and the medical cost incurred is liable to be borne by the State, placing reliance on the provision of Rule 26 of the Bihar Medical Attendant Rule and some of the judgments of this Court. One of the judgment in the case of Arun Kumar Mishra v. The State of Bihar & others, reported in 2011(3) PLJR 264 and makes a prayer that he has already submitted photo copies and original copies of the records related to the treatment of the wife before the competent authority but having not received any amount as by way of reimbursement of medical expenses.

No counter affidavit has been filed in the present case.

In such view of the matter, if the petitioner has submitted the photo copies and original copies of the records, this Court directs that records which have been filed by the petitioner should be examined by the authority concerned and release the fund which he is entitled under the Rules without any delay preferably within a period of one month from the date of receipt/production of a copy of this order. If the authorities are required to any clarification they are at liberty to take



clarification from the petitioner but all process should be completed within the aforesaid period.

With the aforesaid observation and di9rection this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.1.2017
Transmission Date	NA

