

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8099 of 2013

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1. Mahavir Prasad Singh S/O Late Ramchandra Singh Resident Of Village-
Jamuawan, P.S- Khizersarai, District- Gaya.

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department Of General Administration, Bihar, Patna.
3. The Principal Secretary, Department Of Finance, Bihar, Patna.
4. The Principal Secretary, Department Of Health, Bihar, Patna.
5. The Director- In- Chief, Health Services, Bihar, Patna.
6. The District Magistrate, Muzaffarpur.
7. The Civil Surgeon- Cum- Chief Medical Officer, Muzaffarpur.
8. The Deputy Collector (Establishment), District- Collectorate, Muzaffarpur.
9. The Block Development Officer, Bandra, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Respondent/s : Mr. Manoj Kumar, AC to GA-10

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 04-01-4016

Heard counsel for the petitioner and the respondents.

In this case, petitioner is seeking medical reimbursement of Rs.1,85,000/- which he incurred in treatment at Apollo Hospital Group, Ranchi.

As per case of the petitioner, he is working as Assistant in the Office of Block Development Officer, Bandra, Muzaffarpur. He had fallen ill on 22nd August 2011 on account of heart attack. He was admitted in the Hospital, Muzaffarpur who referred him to IGIMS, Patna on 23rd August 20-11. As he was not properly cured, he was admitted in Apollo Hospital Group, Ranchi on 3rd September 2011 and he is still under treatment of Doctors of Apollo Hospital, Ranchi.



Counsel for the petitioner has submitted that the petitioner filed an application for reimbursement of the expenses incurred by him in his treatment but the authority concerned has illegally rejected the claim on account of the fact that he has not taken prior permission before going for treatment. He further submits that it is not expected from a person who has suffered from heart attack first he will take permission and then to go for treatment. In support of his submission, he has placed reliance on 2011(3) PLJR 264 and 2008(2) PLJR 182 and submitted that the person who was holding high post gets permission for medical treatment without delay but a person who is holding Class-III or Class-IV post hardly gets permission without unnecessary delay.

In the judgments referred to above the Court has taken judicial notice of the fact that the person on the higher post easily get permission whereas it is very difficult for persons holding Class-III or Class-IV post to get permission in time. He has further submitted that he had supplied all the original records which is apparent from the order dated 6th October 2012 written by the Chief Medical Officer, Muzaffarpur to the B.D.O., Bandra, Muzaffarpur which itself suggests that the records are available for consideration.

Counsel for the State submits that under Bihar Medical Attendance Rules, 1947 prior permission is necessary before going for treatment so much so application has not been rejected but certain

documents have been asked to be supplied so much so petitioner had not applied for medical leave rather has filed application for casual leave and unless he gives details, it is difficult for the authority concerned to pass order.

Having considered the arguments advanced by the parties, this Court is of the view that if a person has gone for treatment of heart disease it requires immediate treatment, he will not wait for permission and in that case it is difficult to get prior permission. From the judgments referred to above it is very much clear that in such a situation a liberal view is required to be taken in terms of Bihar Medical Attendance Rules. In one of the cases, the Court has also suggested that in emergent cases, person concerned is entitled to medical aid reimbursement of the medical expenses cannot be refused.

As the matter is pending before the authority concerned, the authority concerned is directed to examine the case of petitioner in terms of the judgments aforesaid, including the Bihar Medical Attendance Rules and take decision within a period of two weeks from the date of receipt/ production of copy of this order and in failure to take the decision within time, the Court will take serious view of the matter. The petitioner while furnishing this order will also submit all the documents, including his admission in the Hospital and the discharge certificate.

With the above observation/direction, this petition is
allowed.

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(Shivaji Pandey, J)

