

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5809 of 2017

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Santosh Kumar Son of Late Laxman Ram resident of Mohalla - Nadarganj,
Mallah Toli, Police Station - Civil Lines, Gaya in the district of Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Primary Education, Department of Education, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Magadh Division, Gaya.
5. The District Magistrate, Gaya.
6. The District Education Officer, Gaya.
7. The District Programme Officer (Establishment), Gaya.
8. The Drawing Disbursing Officer, Mahavir Middle School, Nagar Nigam, Gaya.
9. The Headmaster, Middle School, Bharat Seva Ashram Sangh, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the Respondent/s : SMT. BINITA SINGH- SC28

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 07-03-2018 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

A counter affidavit has been filed on behalf of the
respondent No. 7, in paragraphs 15 to 17 stand has been taken as
follows;

“ 15. That it is stated and humbly submitted that for
payment of amount sanctioned against post
operational expenses/checkup which comes to Rs.
2,34,945=00 as stated in the preceding paragraphs
and request for providing allotment for the same



has been submitted to the department vide letter no. 6550 dated 27.12.2017 and no sooner the required allotment in the concerned head is received from the directorate, the said sanctioned amount of Rs. 2,34,945=00 will be paid by the concerned Drawing and Disbursing Officer at the earliest. Copy of the said letter dated 27.12.2017 is annexed herewith and marked as Annexure-D to this counter affidavit.

16. That it is stated and humbly submitted that thus in nutshell the claim of petitioner is that the initial amount of Rs. 3,48,000/- which had been sanctioned by the department for his kidney transplant, had been spent at Sanjay Gandhi Post Graduate Institute of Medical Science, Lucknow in the process of pre operational treatment and it was subsequent thereto that he had got his treatment at Fortis Hospital, New Delhi incurring a further expenditure of Rs. 5,56,374.00. Although in this regard later Rs. 5,34,478.00 had been sanctioned by the department (after adjusting the initial sanction payment of Rs. 3,48,000.00) but as per the petitioner since the said amount of Rs. 3,48,000/- had earlier already been spent in the process of pre operational treatment, hence his claim still remains for the amount of Rs. 3,48,000.00 for payment of which application had been submitted before the department.

17. That it is stated and humbly submitted that in view of the process of reimbursement of medical



expenses in case of serious ailment and according to which final decision in such issues is to be taken at the department level hence the District Education Officer had vide letter no. 1177 dated 11.12.2017 has apprised the department with regard to the claim of the petitioner with the request to do needful in the matter. Copy of the said letter dated 11.12.2017 is annexed herewith and marked as Annexure-E to this counter affidavit.”

There is no denial of the fact that the petitioner is not entitled to reimbursement of the expenses incurred on treatment as the respondent No. 7 has indicated in the counter affidavit that the matter of medical reimbursement is pending at the level of the Department and on 11.12.2017 a letter was written by the District Education Officer but no decision has been taken by the Department and unless and until the Department takes decision, the grievance of the petitioner cannot be redressed.

In the peculiar facts and circumstances of the case, the Court is constrained to direct the Director, Primary Education to take final decision with regard to medical reimbursement of the petitioner, if not already taken, within a maximum period of one month from today failing which the amount calculated for medical reimbursement would carry interest at the rate of 9% from the date of accrual till the date of actual payment and interest shall be paid by the Officers of the Department from



their own pockets.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

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