

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2151 of 2016

Janardan Prasad Sinha @ Janardan Prasad Singh, aged about 65 years, Son of Late Mohit Singh, resident of at+P.O.- Bishunpur Bandey, Via- Bhagwanpur, P.S.- Bhagwanpur, District- Vaishali. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Deputy Secretary to the Government, Education Department, Government of Bihar, Patna.
4. The District Magistrate, Vaishali.
5. The District Education Officer, Vaishali.
6. The District Programme Officer (Establishment), Vaishali.
7. The Treasury Officer, Lalganj, Vaishali.
8. G.A. Intermediate School, Bhagwanpur, Vaishali through its Principal.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar
For the Respondent/s : Mr. Neeraj Ray- Sc-8

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 19-03-2018 Heard learned counsel for the petitioner and the counsel appearing on behalf of the State.

Petitioner has approached this court for a direction to the respondents for medical reimbursement.

On behalf of the respondent, a counter affidavit has been filed wherein stand has been taken that letter was issued by the Dy. Secretary to the District Education Officer, Vaishali vide letter no. 619 dated 1.4.2016 and also a letter was sent to the Director, Education Department vide letter no. 722 dated 12.4.2016 for allotment of Rs. 1,95,000.00/- for medical reimbursement head.

In paragraph-11 of the counter affidavit, there is



statement that amount of medical reimbursement will be paid to the petitioner after receipt of the allotment. In paragraph-9 of the counter affidavit, it appears that the allotment against medical reimbursement has been surrendered due to financial year.

In view of the aforesaid stand taken by the respondent, the writ petition is disposed of with direction to the respondent to ensure payment of medical reimbursement amounting Rs. 1,95,000.00/- to the petitioner at the earliest preferably within a period of sixty days from the date of receipt/production of a copy of this order.

From the counter affidavit, it appears that there is no dispute as to the entitlement of the petitioner for medical reimbursement. The only issue is paucity of fund. The State and its officials cannot take a plea of paucity of fund in the matter of medical reimbursement and as such the respondents are directed to ensure medical reimbursement positively within the time indicated hereinabove.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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