

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17645 of 2011

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Bijendra Kumar Singh, Son of Late Daroga Prasad Singh, R/O Vill.-Maina Gram,
P.O.-Mahisi, Dist.-Saharsa Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Human Resources Development Department, New Secretariat Vikash Bhawan, Bailey Road, Patna, Bihar
 2. The Director ,(Primary & Elementary Education, Human Resources Development Department, New Secretariat Vikash Bhawan, Bailey Road, Patna, Bihar
 3. The Principal Secretary, Health Medical Education & Family Welfare Department, New Secretariat, Vikash Bhawan, Patna
 4. The Director In Chief, Health Services, Health Medical Education & Family Welfare Department, New Secretariat, Vikash Bhawan, Patna
 5. The Dist. Superintendent of Education, Saharsa Respondent/s
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Appearance :

For the Petitioner/s : Mr. Kishore Kumar Thakur, Advocate
For the Respondent/s : Mr. Madhukant Mishra, AC to SC-16

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 26-07-2018

Heard learned counsel for the petitioner and respondents.

2. During the course of hearing, Mr. Kishore Kumar Thakur, learned counsel for the petitioner has submitted that vide letter as contained in Memo No. 103/2011 dated 02.01.2012, the claim of the petitioner for medical reimbursement was rejected. The tenor of the said letter reveals that the claim of the petitioner was rejected on two grounds: (i) That the petitioner has undergone treatment at Batra Hospital and Medical Research Centre for Cardiac ailment and he has submitted Xerox copy of the bill and as such on the basis of Xerox copy, no action can be taken on the claim of the



petitioner for medical reimbursement. (ii) That the petitioner has undergone treatment outside the State without obtaining prior permission of the Departmental/Controlling authority.

3. Mr. K.K. Thakur, learned counsel for the petitioner submits that the original bill was submitted to the district authority. So far as the other objection that the petitioner has not obtained prior permission, he submits that the treatment for such ailment like Cardiac ailment, requirement of prior permission is uncalled for as in case of emergency one has to undertake treatment at the hospital and Batra Hospital and Medical Research Centre is a recognized hospital and as such on these two grounds for the rejection of the claim of the petitioner is unsustainable.

4. In view of the above, the writ application is disposed of with a direction to the Secretary of the Health Department, who is required to consider the following facts before taking final decision afresh on the claim of the petitioner for medical reimbursement. Firstly; whether the original bill was submitted to the District authorities or not? which appears to be admitted in the counter affidavit of the respondents. Secondly; Whether Batra Hospital and Medical Research Centre is recognized by the Government or not? If both facts are admitted then the respondents have to reconsider the case of the petitioner for medical reimbursement, as they cannot deny



reimbursement of the medical expense on these technical grounds that prior permission of the Departmental/ Controlling authority was not obtained while undergoing treatment in case of emergency like cardiac treatment. The respondent Secretary is required to take fresh decision on the claim of the petitioner for medical reimbursement in the light of the original document received by the district authorities and the fact that Batra Hospital and Medical Research Centre is recognized as one of the hospital for specialized treatment of cardiac ailment. The respondents are also required to consider the relevant document including Annexures- 1 and 2 to the writ application. Final decision in this regard must be taken by the Secretary within a period of 60 days from the date of receipt/production of a copy of this order.

5. On such decision, the respondents are also required to ensure reimbursement of the medical bill immediately preferably within a period of one month from the date of such fresh decision.

6. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.07.2018
Transmission Date	

