

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10076 of 2019

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Anil Kumar Son of Late Jwala Prasad Singh, Resident of Chanakyapuri Colony HIG 70, P.S.- Rampur, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Health Department, Government of Bihar, Patna.
2. The Superintendent, Patna Medical College and Hospital, Patna.
3. The Director in Chief, Health Services, Govt. of Bihar, Patna.
4. The Director (Joint Secretary Level) Department of Health, Govt. of Bihar, Patna.
5. The Joint Secretary, Health Department, Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Advocate Mr. Arvind Kumar Sharma, Advocate Ms. Ritika Rani, Advocate
For the Respondent/s	:	Mr. Anuj Kumar, AC to SC12

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 01-08-2019 Heard the parties.

The petitioner has approached this Court, since the claim of Medical reimbursement in respect of cost incurred in cancer treatment of his wife at an institute outside the State of Bihar, during the period of 03.04.2018 to 16.06.2018, has not been paid till date.

The respondent authorities have filed counter affidavit, substance of the objection raised by the state authorities is that prior to proceeding for treatment between the period 03.04.2018 to 16.06.2018, the petitioner had not taken



permission.

This Court considered it necessary to take note of the fact that in between 21.12.2017 to 11.02.2018, the petitioner's wife had incurred treatment for the same disease at the same institute outside of the Bihar for which an amount of Rs. 2,15,859/- has already been paid to the petitioner, after verifying the rate and finding it admissible as per the CGHS rate and others standards of reimbursement in the State of Bihar. The Authorities are well aware of the fact that petitioner's wife is under treatment in respect of cancer that also at an institute outside of Bihar, namely, Rajiv Gandhi Cancer Institute and Research Centre, Rohini, New Delhi.

The stand of the Authorities in resisting the claim for the same person in respect of the same disease at the same institute for a later period, therefore, clearly is unsustainable. The technical objection regarding lack of prior approval before proceeding of treating second time, in the facts and circumstances of the instant case are unsustainable. The Authorities are directed to ensure that claim of the petitioner in respect of the treatment of his wife for the period of 03.04.2018 to 16.06.2018 should be processed as per admissibility without raising any objection regarding prior approval, and the amounts



are admissible be paid to the petitioner expeditiously without undue delay and preferably within four weeks from the date of receipt/production of a copy of this order.

Accordingly, this writ petition is allowed.

(Madhuresh Prasad, J)

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