

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2802 of 2019

In
Letters Patent Appeal No.840 of 2018

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1. The State of Bihar through its Principal Secretary, Health and Family Welfare, Govt. of Bihar, Patna.
 2. District Magistrate Cum Chairman, District Health Society, Vaishali at Hajipur.
 3. Civil Surgeon cum Member Secretary, District Health Society, Vaishali at Hajipur.
 4. Civil Surgeon Cum President, Quality Assurance Committee, Vaishali at Hajipur.
 5. Additional Chief Medical Officer Cum Member Secretary Quality Assurance Committee, Vaishali at Hajipur.
 6. Dr. Smt. Malti Sinha, Medical Officer, Sadar Hospital, Hajipur Cum Member Quality Assurance Committee, Vaishali at Hajipur.
 7. Dr. U.P. Verma, Medical Officer, Sadar Hospital, Hajipur Cum Member Quality Assurance Committee, Vaishali at Hajipur.
 8. Dr. Nagendra Prasad, Primary Medical Officer Cum Member, Quality Assurance Committee, Vaishali at Hajipur.

... .. Petitioner/s

Versus

1. M/s Harideo Clinic through its Proprietor Dilip Kumar Singh S/o Dharamdeo Singh, Tinpulwa Chowk, P.S. Lalganj, District- Vaishali At Hajipur.
2. The State Health Society Bihar through its Executive Director, Parivar Kalyan Bhawan, Seikhpura, Patna.
3. Shri Rituraj, N.G.O., Member, Quality Assurance Committee, Vaishali at Hajipur.
4. Smt. Sandhaya Gautam, Member, Quality Assurance Committee, Vaishali at Hajipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suryakant Kumar (AC To GA 8)
For the Opposite Party/s : Mr.Anurag Saurav

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

2 05-03-2020

Heard learned counsel for the petitioner and counsel



for the opposite parties.

The present application has been filed for modification of the order dated 25.2.2019 passed in LPA No. 840 of 2018, whereby and whereunder, the Court has given direction in the following manner:-

“Having considered the rival submissions as noted in the discussions above, we find no infirmity in the order of the learned Single Judge to cause any interference therewith save and except that the District Magistrate, Vaishali cum Chairperson, District Health Society, Vaishali would examine the claim set up by the writ petitioners, satisfy himself on its varacity and thereafter make payment of the admissible amount within a total period of eight weeks from today and it goes without saying that any of the bills which to the opinion of the District Magistrate, Vaishali raises concern and/or is not found admissible should be disposed of by a speaking order to be passed within the same time.

The period of compliance as directed by the learned Single Judge is extended by further eight weeks from today. It is further directed that should the respondent District Magistrate cum Collector, Vaishali fail to make payment of the admissible amount by 27th April, 2019, each of the respondent- writ



petitioner would be entitled to interest on their pending claims @7% per annum payable from the date the respective bill became due until the date of payment”

As per last paragraph, the payment was to be made by 27.4.2019. From the order, it appears that the respondents are the Nursing Home, they have carried out the scheme of the Central Government and/or the State Government for doing the social work of family planning and, for every operation, they were to be paid certain amount. No dispute has been raised with regard to the bill claimed by them. When nothing has happened, the writ application was filed followed by the appeal but, the actual payment has been made on 15.6.2019 and they have filed an application on 16.7.2019 for extending the period from 27.4.2019 to 15.6.2019.

Learned counsel for the petitioner submits that as the State authorities were required to verify the factual aspect of the matter with regard to work done by them which consumed substantial period and, as such, the payment could not be made in time.

Per contra, learned counsel for the respondent submits that according to their undertaking, the date was fixed for payment but, they could not comply the order, inasmuch as, if he



was so sanguine to extend the period, they could have filed the application before 27.4.2019 but, they have filed after expiry of that date.

Counsel for the State, in reply, submits that when the verification was not likely to be completed, the District Magistrate has directed the Civil Surgeon, Vaishali vide letter dated 15.4.2019 (Annexure-3) giving direction to file an application for extension of time and, accordingly, the present application has been filed.

As the matter relates to verification of the records as with regard to the patients being admitted and operated, certainly it will consume time.

Looking to the entirety of the matter, the period is extended for payment up to 15.06.2019.

Accordingly, this application is disposed of.

(Shivaji Pandey, J)

(Anjani Kumar Sharan, J)

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