

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14583 of 2019

Dr. Ajay Kumar, Son of Sri Keshaw Prasad, Resident of Neel Gagan Complex, Paila Pokhar, Kagzi Mohalla, P.S.- Biharsharif Town, District-Nalanda, proprietor M/s Jahnvi Eye Care and Research Centre, Neelgagan Complex, Paila Pokhar, Kagzi Mohalla, Ranchi Road, Biharsharif.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health and Family Welfare, Patna.
2. The State Nodal Authority Rashtriya Swasthya Bima Yojana cum Executive Director, Bihar State Health Society, Patna, Bihar.
3. The District Key Manager cum Deputy Development Commissioner Bihar Sharif.
4. The National Insurance Company Limited Through its Regional Manager, office no. 1, Arunanchal Building, New Dak Bunglow Road, Patna 800001, Bihar.
5. Dedicated Healthcare Services TPA (I) Pvt. Ltd. A Company registered under the provisions of the Companies Act, 1956 and having its registered office at Cambata Building (Eros Theatre Building), East Wing, 3rd Floor, 42 Maharshi karve Road, Churchgate, Mumbai 400020.
6. The Union of India Through the Secretary, Ministry of Health and Family Welfare, Government of India, New Delhi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shakti Suman Kumar, Advocate
For the Respondent/s	:	Mr.Ajay Bihari Sinha, GP 8
		Ms. Kalpana, AC to GP 8
For the Resp. No. 2	:	Mr. K.K.Sinha, Advocate
For the Insurance Co.	:	Mr. Durgesh Prasad Singh, Advocate
For the UOI	:	Mr. Radhika Raman, CGC
		Mr. Ram Tujabh Singh, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 06-12-2022

Petitioner has prayed for the following relief(s):

“i. An appropriate writ in the nature of
Mandamus for direction/ directions to the



respondents to make payment of the outstanding amount of Rs. 74,10,900/- (Rs. Seventy Four Thousand Ten Thousand and Nine Hundred Only) with due interest for treatment provided by the petitioner's Hospital having code No. 10027096 under Rashtriya Swasthya Bima Yojna (herein after referred to as Yojana), to the persons under below poverty line holding smart card issued by the competent authorities.

ii. Any other writ/writs, order/orders or direction/directions as the facts and circumstances of the case may require and deemed fit by this Hon'ble Court may also be issued."

After the matter was heard for some time, finding the Court not to be in favour with the submissions made across the Bar, learned counsel for the petitioner, more so in view of the disputed question of fact, fairly states that petitioner be permitted to take recourse to such equally, efficacious alternative remedies as are available in accordance with law.

Permission granted.

We clarify that we have not adjudicated the dispute on merits. All questions of fact and law are left open to be agitated and adjudicated before the appropriate forum, be it District Grievance Redressal Committee or State Grievance Redressal Committee, in appropriate proceedings.



Petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	08.12.2022
Transmission Date	

