

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15758 of 2019

Md. Naushad Alam, Son of Mansur Alam, Proprietor of Gopalganj Aankh Asptal, resident of Village Mir Alipur, P.S. Thawe, District- Gopalganj.

... .. 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, Gopalganj.
4. Reliance General Insurance Company Ltd. , a Company registered under the Companies Act having its registered office at 570, Rectifier House, Naigum Cross Road, Wadala (W), Mumbai.
5. The District Magistrate cum chairman, District Core Committee, RSBY, Gopalganj.
6. The Additional District Key Manager, RSBY cum Additional Chief Medical Officer, Gopalganj.
7. 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 Mr. Rajesh Ranjan, Advocate Mr. Atul Shankar, Advocate
For the State	:	Mr. Rajeshwar Singh, GP-10 Mr. Kishore Kumar Sinha, Advocate Mr. Durgesh Kumar Singh, Advocate
For the Union of India	:	Mr. Awadhesh Kumar Pandey, 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. 30,72,869/- (Rupees Thirty Lac Thirty Seventy Two Thousand and Eight Hundred and Sixty Nine only) with due interest for treatment provided by the petitioner's Hospital having code no. 10015035 under Rashtriya Swasthya Bima Yojana (herein after referred to as RSBY), 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)

avinash/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	08.12.2022
Transmission Date	

