

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2803 of 2019
In
Letters Patent Appeal No.834 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 Kunal Hospital through its Proprietor Binod Kumar Suman, S/o Shri Ram Lakhan Singh situated at Samastipur Road, Mahua, Distt.- Vaishali at Hajipur
2. The State Health Society, Bihar through Executive Director, Parivar Kalyan Bhawan, Sheikhpura, Patna
3. Shri Rituraj N.G.O., Member Quality Assurance Committee, Vaishali at Hajipur
4. Smt. Sandhya Gautam Member, Quality Assurance Committee, Vaishali at Hajipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Bihari Sinha, Senior Advocate
Mr.Suryakant Kumar, AC to GA-8



For the Opposite Party/s : Mr.Anurag Saurav, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)
Date : 28-09-2022

Heard Mr. Ajay Bihari Sinha, learned senior counsel for the petitioners and Mr. Anurag Saurav, learned counsel for opposite party no.4.

2. The instant application has been filed on behalf of the petitioners for modification of the order dated 25.02.2019 passed in LPA No.834 of 2018 whereby the Division Bench had found no infirmity in the order of the learned Single Judge to cause any interference therewith save and except that the District Magistrate, Vaishali-cum-Chairman District Health Society, Vaishali was directed to examine the claim set up by the writ petitioners, satisfy himself on its veracity and thereafter make payment of the admissible amount within a total period of eight weeks. It was further directed that if the respondent District Magistrate-cum-Collector, Vaishali fail to make payment of the admissible amount by 27th April, 2019 each of the respondent-writ petitioners 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.



3. The petitioners have filed the present application with a prayer to extend the period stipulated in order dated 25.02.2019 passed in LPA No.833 of 2018 and other analogous cases.

4. Mr. Sinha, learned senior counsel for the petitioners submitted that in physical verification and examination of the accounts of the claimant-writ petitioners a lot of difficulties arose as of result of which the order could not be complied within the stipulated period. He submitted that under such circumstance, it is desirable that the period for making payment of the admissible amount of the writ petitioners be extended for a further period of two months.

5. The contention advanced on behalf of the petitioners has been objected by opposite party no.4. A submission has been made that it is a belated effort on the part of the petitioners to deny the payment of interest awarded in favour of the writ petitioners. He submitted that the prayer of the petitioners is simply an effort to get alteration in the order passed by the Court which has already attained finality.

6. Having considered the rival submissions and perused the materials on record, we see no justifiable reason to modify the order dated 25.02.2019 passed in LPA No.833 of



2018. The application is dismissed, accordingly.

(Ashwani Kumar Singh, J)

(Arvind Srivastava, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.09.2022
Transmission Date	NA

