

01.12.2022  
Court No.2  
Item No.09  
Cp

**HIGH COURT AT CALCUTTA  
CIRCUIT BENCH AT JALPAIGURI**

**WPA 3229 of 2022**

**Smt. Alo Roy Sen  
Vs.  
The State of West Bengal and Ors.**

Mr. Hillol Saha Podder  
Ms. Mousumi Das  
Mr. Gobinda Roy

... For the Petitioner.

Mr. Subir Kumar Saha  
Mr. Momenur Rahman

... For the State.

The petitioner is the widow of one Barun Sen, since deceased, who allegedly died due to a snake bite. Allegation is that the deceased was rushed to Haldibari Rural Hospital for treatment but the said hospital did not attend the patient but referred the patient to Jalpaiguri Super Speciality Hospital. By the time the deceased was taken to the Jalpaiguri Super Speciality Hospital, he was declared dead. The petitioner alleges that due to negligence on the part of the authorities of the Haldibari Rural Hospital, her husband died without any treatment.

The petitioner prays for compensation from the State of West Bengal and also for payment under a policy by which provisions have been made

for ex gratia payment to the family of a victim who died on account of a snake bite.

The issue of medical negligence cannot be decided in this proceeding. The petitioner is at liberty to approach the appropriate forum or the appropriate authority under the West Bengal Clinical Establishments (Registration, Regulation and Transparency) Act, 2017, if permissible under the law.

With regard to the prayer for grant of ex-gratia payment by the State of West Bengal, this court directs the petitioner to file an appropriate application before the District Magistrate, Cooch Behar, i.e., the respondent no. 5 herein with all relevant documents.

If such application is filed, the same shall be processed and finalized within a period of eight weeks from the date of receipt of the petitioner's application, in accordance with the provisions of the said policy.

If the petitioner is found eligible the ex-gratia payment shall be made in accordance with law. The payment shall be released within the aforementioned time limit fixed hereinabove. If the petitioner is found to be ineligible, reasons shall be assigned and an order shall be communicated to that effect.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

**(Shampa Sarkar, J.)**