

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) NO.13120 OF 2022

Sipra Mohapatra

....

Petitioner

Mr.P.C.Acharya, Adv.

-versus-

State of Orissa & ors.

....

Opposite Party(s)

Mr.S.P.Panda, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
30.8.2022**

Order No.

03.

1. Heard learned counsel for the Parties.
2. The Writ Petition involves the following prayer :-

“The Petitioner, therefore, prays that your Lordships would be graciously pleased to admit this Writ Petition, call for records from the Opp.Parties, issue notice to the Opp.Parties and after hearing the Parties, allow this Writ Petition with cost and issue a writ in the nature of Mandamus/Certiorari or/other or/ furthers Writs/directions quashing Annexure-6 and further may direct the Opp.Parties to issue a Smart health card under Annexure-3 (BSKY) to the Petitioner as per token under Annexure-5 or may pass any other order as this Hon’ble Court deems fit and proper.”

2. The dispute involves non-availability of benefit under the BSKY Scheme. Based on notice in the Writ Petition, counter has been filed by the concerned B.D.O. responding to the claim of the Petitioner, Paragraph-8 of which is as follows :-

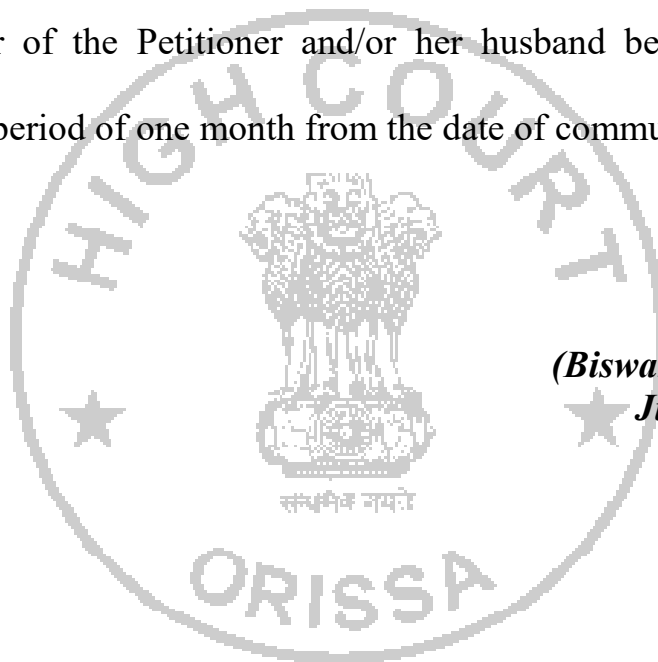
“8. That, it is humbly submitted that the grievance of the Petitioner dated 25.11.2021 was under enquiry and in the meantime she filed an RTI application on dated 7.12.2021 seeking the status of her letter dated 25.11.2021. Thereafter, in reply to her RTI application she was informed that the distribution process of smart health card had already started during the month of August, 2021 and the moment it is received from the District Office, she would be intimated regarding the same. In this connection it noteworthy to mention that the Petitioner was also issued ration card during the month of August and it is pertinent to mention that almost all beneficiaries those who have been newly issued ration cards in the month of August, 2021 have not been issued with smart health cards, as the same has not been received from the District Office. In this connection, a consolidated list of left out beneficiaries of Biju Swasthya Kalyan Yojana cards have been sent to District Office for issue of new Biju Swasthya Kalyan Yojana Cards and the Petitioner's name is reflected in serial No.42 of the said list. Copy of the name of the beneficiaries reflected in Biju Swasthya Kalyan Yojana list is annexed herewith as Annexure-A/3.”

Reading the aforesaid paragraph, it becomes clear that there is no question of disentitlement of the benefit to the Petitioner.

3. In course of submission, Mr. Panda, learned AGA submitted that there is no difficulty of the husband of the Petitioner in getting the treatment benefit under the Scheme but however upon simple production of the Ration Card number otherwise known as “SFSS”. Mr. Panda makes it clear that in the meantime a second list of beneficiaries has come to existence and the Petitioner has already been empaneled at Serial No.42 therein, thus the issue involving the Petitioner will be resolved very soon.

4. Keeping this in view, this Court in disposal of the writ Petition observes, there should not be any impediment in the treatment benefit for the husband of the Petitioner pending final decision of the Competent Authority on the request of the Petitioner. Further keeping in view the clear admission on the entitlement of the husband to the benefit through Paragraph-8 of the Counter of the B.D.O., this Court also directs that decision on issuing Health Card in favour of the Petitioner and/or her husband be taken at least within a period of one month from the date of communication of this order.

M.K.Rout



(Biswanath Rath)
Judge