

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 7653 of 2022

Manju Srivastava Wife of Late Shri Upendra Nath Srivastava Resident of
Village and P.O.-Jagarnatha, P.S.-Uchkagaon District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Govt. of Bihar, Patna.
2. The Secretary, Disaster Management Department, Govt. of Bihar. Patna.
3. The District Magistrate, Gopalganj.
4. The Civil Surgeon, District Health Society, Govt. of Bihar Gopalganj.
5. The Medical Officer Incharge, C.H.C., Thawe, Department of Health. Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mayank Mohan, Advocate

For the Respondent/s : Mr. Vijay Kumar Singh No. I, AC to SC-18.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 02-01-2023 Heard Mr. Mayank Mohan, learned counsel for the

petitioner and Mr. Vijay Kumar Singh No. 1, learned AC to SC-

18.

The grievance of the petitioner in the present writ
petition is that the petitioner who is the wife of the deceased has
been denied compensation amount on account of death of her
husband due to Covid-19.

Learned counsel appearing on behalf of the petitioner
submitted that the petitioner has submitted all the reports i.e.
medical certificate, admission and discharge certificates by the
government hospital and pathological test which confirms that
her husband died due to Covid-19. However, the application of



the petitioner has not been entertained by the Civil Surgeon, Gopalganj-respondent no. 4. Learned counsel further submitted that though blood sample for RTPCR test (Antigen test) was taken from husband of petitioner but no report was communicated on the registered mobile phone of her husband who was suffering from Covid-19.

Learned counsel appearing on behalf of the State submitted that petitioner can only claim compensation, if the report confirms that the death was due to Covid-19 in terms of government circular then only the petitioner is entitled for compensation.

Considering the rival submissions of the parties, the Civil Surgeon, District Health Society, Gopalganj is directed to hold an enquiry at his level and verify all the documents including Antigen report of the deceased, if it is found that any one of the document confirms the death due to Covid-19 then in that case, in absence of Antigen report, the compensation amount Rs. 4 lakhs cannot be denied in view of the announcement made by the State Government and the ex-gratia amount of Rs. 50,000/-, announced by the Central Government within a period of three weeks.

With above observation and direction, the present writ



petition is disposed of.

(Purnendu Singh, J)

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