

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3211 of 2018

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Seema @ Seema Kumari wife of late Anand Kishore Tiwary resident of Adarsh Colony, West Digghi Kala, Hazipur, Vaishali, P.S. Sadar, Dist - Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Child Engineer Water Resources Department, Muzaffarpur.
3. The Under Secretary Management, Water Resources Department, Bihar, Patna.
4. The Superintending Engineer, Water Resources Department, Muzaffarpur.
5. The Executive Engineer Tirhut Canal Division, Hajipur, Vaishali.
6. The District Magistrate, Vaishali, Hajipur.
7. The Director in Chief Health Services, Bihar, Patna.
8. Civil Surgeon-cum-Chief Medical Officer, Vaishali, Hajipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shankar Kumar, Advocate
For the Respondent/s : Mr. Akhileshwar Singh, AC to GA-2

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-09-2023 Heard the parties.

2. The petitioner is widow of late Anand Kishore Tiwary who at that time was serving as Assistant Engineer, Tirhut Canal Division, Hajipur when due to malignancy, he died on 5.12.2015. The widow lady thereafter, submitted bills for reimbursement along with medical certificate amounting to Rs. 16,15,613/- (Sixteen lacs fifteen thousand six hundred and thirteen rupees only) which was issued by the Apollo Hospital



Jubilee Hills, Hyderabad duly countersigned by the authorities of the said Hospital (Annexure-1). It was received in the office of Executive Engineer, Tirhut Canal Division, Hajipur on 17.3.2016. However, as she was made to run from the pillar to post, left with no option, she invoked the writ jurisdiction of this Court.

3. A counter affidavit has been filed on behalf of the respondent nos. 1 to 5 which include all the respondents upto the Executive Engineer, Tirhut Canal Division, Vaishali at Hajipur. The ground taken by the respondents is/are that she was asked to provide an order regarding grant of permission to take her husband outside the State which is not forthcoming and as such decision could not be taken.

4. Learned counsel for the petitioner submits that considering the serious nature of her husband's illness, she had to rush to the Apollo Hospital. Further, the documents are on record, ultimately her husband died and instead of taking note of all these facts on record and considering the case sympathetically, she is being harassed by asking for the permission letter.

5. Having heard the parties, the Court can only pity on the stand of the respondents. Here is the case that the husband of



the petitioner while serving as an Assistant Engineer suffered illness (Mantle Cell Lymphoma, Stage IVB, MIPI-6.4 High Risk) from which it is clear that every hour was essential for the patient. The patient was rushed to the Apollo Hospital, Hyderabad which is a reputed hospital where her husband ultimately died. The documents-bills are on record.

6. However, instead of taking note of the same and consider the case of the petitioner and to take decision accordingly considering the case in the said background where the official himself was suffering and unable to get a permission letter to reimburse the amount to which she is entitled to, the respondents are sitting over it since last seven years.

7. Considering the aforesaid facts, this Court directs the petitioner to approach the respondent no.1, the Principal Secretary, Water Resources Department, Bihar, Patna within eight weeks from today along with all the documents/medical bills as also the order of this Court.

8. If such representation is filed, the respondent no.1 is duty bound to take into account the factors that led to the patient rushing to Hyderabad (Apollo Hospital) and will accordingly with his own opinion will refer the matter to Health



Department for necessary approval.

9. Once the decision is taken and the petitioner is found entitled to the medical reimbursement amount, the same shall be cleared immediately thereafter. All these process must be completed in four months.

10. The writ petition stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

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