

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2938 of 2018

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Ajay Kumar Son of Binod Kumar Singh, Resident of Village- Naradi Dih,
P.O. and P.S.- Naradiganj, District- Nawada, presently posted as a Constable
bearing No. JC- 120 in S.T.F., Bihar, Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Additional Secretary, Department of Home Police, Govt. of Bihar,
Patna.
3. The Inspector General of Police, Bihar, Patna.
4. The Assistant to the Inspector General of Police Q, Bihar, Patna.
5. The Superintendent of Police, S.T.F., Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amitesh Kumar, Advocate Mr. Raghunath Singh, Advocate
For the Respondent/s	:	Mr. Raghwanand, GA-11

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 18-09-2023 Heard the parties.

2. This application has been preferred for issuance of writ/writs, order/orders and/or direction to the respondents-authorities concerned and quashing thereby Letter No.5854 dated 18.08.2015 issued by the Additional Secretary, Department of Home (Police), Govt. of Bihar, Patna as contained in Annexure-7 to this writ petition, whereby and whereunder the proposal for reimbursement of medical expenses in treatment of petitioner at Paras HMRI Hospital, Patna has been rejected and returned all the bills/vouchers and other concerned papers to the petitioner and further for



direction to reimburse the total expenses incurred in petitioner's treatment, to the petitioner and to grant other relief or reliefs to which the petitioner may be found entitled in law.

3. The facts of the case is/are as follows:

(i) the petitioner is serving with Special Task Force, Bihar having number J-C-120. He fell ill and rushed to Paras HMRI Hospital, Patna on 18.09.2014 being suffering from Dengue with Malaria and was discharged on 09.10.2014 (Annexure-1 to the petition).;

(ii) the medical bills provided by the Paras HMRI Hospital, Patna was of Rs. 6,67,207/- (Annexure-2 to the petition);

(iii) he, thereafter submitted application before the S.P., S.T.F., Bihar, Patna on 06.11.2014 for medical reimbursement;

(iv) the matter went upto the Department of Home (Police), Bihar, Patna through proper channel and on 18.08.2015 vide letter no. 5854 addressed to the Assistant to the I.G. (Inspection), Bihar, Patna and communicated vide memo no. 6346 dated 28.08.2015, it was informed that that the Paras HMRI Hospital, Patna is not in the State Government's approved Hospital list. Accordingly, the claim was rejected.



4. Aggrieved, the present petition.

5. It is the case of the petitioner that in an emergency, he had to rush to the Paras HMRI Hospital, Patna. The bills are on record, he remained under treatment at the said Hospital between 18.09.2014 to 09.10.2014, suffered heavy medical expenses and now the refusal to reimburse has put him in dire economic problem as he had taken money from his well wishers for his treatment and had assured them that the same will be reimbursed.

6. In support of his case, he has provided an order of **Patna High Court** in a case of **Ramesh Sharma vs the State of Bihar through Secretary, Department of Home (Police) & Ors** reported in **2016 (4) PLJR**.

7. The State Government, the Department of Home (Police), Bihar, Patna has filed counter affidavit narrating the facts which led to the passing of the order in question.

8. It has been incorporated in different paragraphs that the case of the petitioner was examined, he was treated at Paras HMRI Hospital, Patna, the same is not in the accredited recognition list of the State Government and accordingly, his claim has been rejected. It thus justified the rejection order.

9. Having gone through the facts on record as also the



submissions put forward by the parties, the admitted facts is/are as follows:

(i) the petitioner was down with dengue (malaria);

(ii) rushed to the Paras HMRI Hospital, Patna where remained in treatment from 18.09.2014 to 09.10.2014, the bill given by the Hospital (Rs. 6,67,207/-) is on record;

(iii) it was submitted by the petitioner through proper channel which went to the Department of Home (Police), Bihar, Patna;

(iv) in a routine manner, without considering the facts on record, only because it was not in the list of accredited Hospital, it has been rejected.

10. In the aforesaid facts, the order of the Patna High Court in **Ramesh Sharma** (supra) becomes relevant and it is important to incorporate **paragraphs 8 to 11** of the said order which read as follows:

8. However, the case of Lal Bahadur Gupta seems to cover the situation being faced by the petitioner and the learned Single Judge while dealing with such issues and on placing reliance not only on some other decisions of this Court but even Hon'ble Supreme Court did come to a considered opinion and expressed its



anguish in following terms:

"11. To my mind, the difference in treatment within the State of Bihar and outside the State from financial angle, is primarily one of travelling expenses payable according to the official standing of the employees along with one companion. For such a trivial matter as travelling expenses, the State Government is at war with its employees of the category of "lesser mortals". If the same hospital of outside had set-up a branch in Patna, the expenses for such medical treatment would be the same and prior permission may not have been required, travelling expense making the entire difference."

9. The Court further gave interpretation to Rule 26 of the Bihar Medical Attendance Rules, which deals with the power of the Government to grant concessions relating to medical attendance or treatment not authorized by these rules. The Court, therefore, read into that provision of Bihar Medical Attendance Rules, 1947 to



empower the State Government to make leeway and concession in matters of such treatment having been obtained from an institution or hospital not authorized or not approved by the State of Bihar.

10. In the opinion of the Court, the ratios of the decisions, referred to above, do answer the questions raised by the petitioner and support the case for payment of the medical expenses incurred by him.

11. In view of the above, Annexure-9 is quashed. Writ application is allowed.

11. The fact remains that the medical bills are on record and the Paras HMRI Hospital, Patna is also a reputed Hospital. However, only because at the relevant time, the same was not in the list of accredited hospital, in a routine manner, the claim was rejected.

12. In the considered view of the Court, the case of the petitioner needs reconsideration.

13. Accordingly, the order vide letter no. 5854 dated 18.05.2015 stands quashed.

14. The petitioner will be filing fresh representation alongwith the medical bills through proper channel before the respondent, the Additional Chief Secretary, Department of Home (Police), Patna within a period of eight weeks from today.



15. If such representation duly forwarded by the concerned Official is submitted before the respondent, the Additional Chief Secretary, Department of Home (Police), Bihar, Patna within the aforesaid period, the same shall considered and a reasoned order be passed within a period of four months from the receipt of the representation.

16. The natural consequences to flow in next two months.

17. The writ petition stands disposed of.

(Rajiv Roy, J)

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