

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11232 of 2023

=====

Dhana Devi W/o Late Prabhu Ray @ Late Prabhunath Yadav R/o Village-
Sirisia Mani, Post- Hussepur, P.S.- Amnour, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Disaster Management Dept. Govt. of Bihar, Patna.
2. The Principal Secretary, Health Dept. Govt. of Bihar, Patna.
3. The Director, Health Department, Govt. of Bihar, Patna.
4. The District Magistrate, Saran at Chapra.
5. The Civil Surgeon-Cum- Chief Medical, Saran at Chapra.
6. The Civil Surgeon- Cum- Secretary, District Health Committee, Saran at Chapra.
7. The Additional Chief Medical, Saran at Chapra.
8. The Superintendent, Sadar Hospital, Saran at Chapra.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Ravi Prakash
For the Respondent/s : Mr.Raj Kishore Roy (Gp18)

=====

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

- 2 04-12-2023 1. This application has been filed for quashing the order dated 19.12.2022 passed by the Civil Surgeon-cum-Chief Medical Officer, Saran at Chapra as well as the order contained in letter no. 172 dated 10.04.2023 issued by the Additional Chief Medical Officer, Saran at Chapra by which the claim of the petitioner for *ex-gratia* amount was rejected.
2. The petitioner is the widow of the Late Prabhu Rai @ Prabhu Nath Yadav who died during Covid-19.
3. The petitioner had prayed for grant of *ex-gratia*



payment of Rs. 4 Lakh which is being given to the legal heirs of persons who have died during Covid-19.

4. The application of the petitioner was rejected by the Civil Surgeon-cum-Chief Medical Officer, Saran at Chapra on the ground that the name of the deceased was not uploaded on the portal whereas it has come in the counter affidavit that the deceased was suffering from Covid-19 and he was admitted in the Covid hospital.

5. This kind of illegal rejection of the claim of the petitioner cannot be sustained. When her husband was admitted in the Covid Hospital and died due to Covid-19, the petitioner is entitled for compensation of Rs. 4 Lakh as decided by the Government.

6. Accordingly, this application is allowed and the order dated 19.12.2022 passed by the Civil Surgeon-cum-Chief Medical Officer, Saran at Chapra and order dated 10.04.2023 issued by the Additional Chief Medical Officer, Saran at Chapra is hereby quashed.

7. The State and the Medical Department are directed to release the payment of Rs. 4 Lakh in favour of the petitioner within one month from the date of communication of this order.



8. Let a copy of this order be communicated to the District Magistrate, Saran at Chapra through FAX for its compliance forthwith.

(Sandeep Kumar, J)

Shishir/-

U			
---	--	--	--

