

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2798 of 2019

In
Letters Patent Appeal No.839 of 2018

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1. The State Of Bihar through its Principal Secretary, Health and Family Welfare, Government of Bihar, Patna.
 2. District Magistrate cum Chairman, District Health Society, Vaishali at Hajipur.
 3. Civil Surgeon cum Member Secretary, District Health Society, Vaishali at Hajipur.
 4. Civil Surgeon cum President, Quality Assurance Committee, Vaishali at Hajipur.
 5. Additional Chief Medical Officer cum Member Secretary, Quality Assurance Committee, Vaishali at Hajipur.
 6. Dr. Smt. Malti Sinha, Medical Officer, Sadar Hospital, Hajipur cum Member Quality Assurance Committee, Vaishali at Hajipur.
 7. Dr. U.P. Verma, Medical Officer, Sadar Hospital, Hajipur cum Member Quality Assurance Committee, Vaishali at Hajipur.
 8. Dr. Nagendra Prasad, Primary Medical Officer cum Member Quality Assurance Committee, Vaishali at Hajipur.

... .. Petitioner/s

Versus

1. M/s Nandraj Nursing Home through its Proprietor Subodh Kumar Yadav, S/o Nandlal Prasad Yadav situated at Tinpulwa Chowk, Lalganj, Vaishali.
2. The State Health Society, Bihar through Executive Director, Parivar Kalyan Bhawan, Seikhpura, Patna.
3. Shri Rituraj, N.G.O. Member, Quality Assurance Committee, Vaishali at Hajipur.
4. Smt. Sandhaya Gautam, Member, Quality Assurance Committee, Vaishali at Hajipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Behari Sinha, Sr. Advocate with Mrs. Kalpana, AC To GA 8
For the Opposite Party/s	:	Mr. Anurag Saurav, Advocate

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA)

Date : 19-04-2023



Heard Mr. Ajay Behari Sinha, learned counsel for the petitioners and Mr. Anurag Saurav, learned counsel for the respondents.

2. The instant application has been filed on behalf of the petitioners for modification of the order dated 25.02.2019 passed in LPA No. 839 of 2018 for extending the time to further two months for compliance of the aforesaid order.

3. Learned counsel for the petitioners submitted that in compliance of the aforesaid order it has been found that too much irregularities have been made by the Nursing Homes/ Hospitals such as more than 50% of cases were found false and beneficiaries are not found on their addresses as mentioned in their register maintained by the writ petitioners. He further submits that in compliance of the order passed by the District Magistrate-cum-Collector, Vaishali vide Memo No. 356 dated 18.04.2019, the Civil Surgeon, Vaishali made the payment of the cases which are found true during the physical verification and deposited the rest amount of the claims as made by the writ petitioners of the aforementioned case, in their respective bank accounts and directed the concerned Bank Managers to freeze the deposited amount and interest till further orders. Under such circumstance, it is desirable that the period for making payment



of the admissible amount of the writ petitioners be extended for a further period of two months.

4. Learned counsel for the opposite party opposed the prayer by submitting that it is a belated effort on the part of the petitioners to deny the payment of interest awarded in favour of the writ petitioners.

5. Having considered the contentions made by both the parties and on perusal of materials on record, we see no justifiable reason to modify the order dated 25.02.2019 passed in LPA No. 839 of 2018.

6. In view of the aforesaid position, this application is dismissed.

(Arvind Srivastava, J)

(Sunil Dutta Mishra, J)

khushbu/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.04.2023
Transmission Date	

