

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20787 of 2021

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Tamjila Khatoon Wife of Late Md. Zubair Alam @ Jubair Alam, Resident of Village- Chappan, P.O.- Durgapur, P.S.- Bhawanipur, District- Purnea, Pin Code- 854204 (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, General Administration Department, Government of Bihar, Patna.
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Principal Secretary, Disaster Management, Government of Bihar, Patna.
4. The District Magistrate, Purnea.
5. The Civil Surgeon, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhishek, Advocate
For the Respondent/s : Mr. Pankaj Kumar (SC-12)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 20-01-2023 Heard the parties.

2. This Court on 04.01.2023 has passed the following

order:-

“The Collector, Purnea is directed to verify the genuinity of the death certificate dated 22.06.2021 issued by the Registrar, Birth and Death, Municipal Corporation, Purnea in which the cause of death has been mentioned to be due to COVID-19. Such verification of the certificate must be done by him from the office of the Registrar, Birth and Death, Municipal Corporation, Purnea within a period of one week and thereafter, he must file his supplementary counter affidavit.

List this case on 18.01.2023.”

3. In the present writ petition, the petitioner has sought for following reliefs:-

“(i) Whether in view of the Government Policy or decision petitioner is entitled



to get amount of compensattion from the Government as her husband has died due to Covid-19 Virus?

(ii) Whether keeping the application and representation of the petitioner pending by the respondent is not just and proper not be kept pending?"

4. Learned counsel appearing on behalf of the petitioner submitted that the husband of the petitioner had died due to COVID-19 on 02.05.2021 while being treated at private hospital. The medical prescription shows that husband of the petitioner had symptom of COVID-19 and, accordingly, he was treated for the COVID-19 virus but could not survived. Learned counsel further submitted that the District Administration has not granted due compensation to the petitioner as per the announcement made by the Government of Bihar and Central Government and in this regard he has relied upon the circular made by the State Government.

5. This Court after conducting note of the counter affidavit filed on behalf of the respondent nos. 4 and 5 had directed the District Magistrate to verify as to whether the death certificate is genuine or not. Today in compliance of the order the counter affidavit has been filed on behalf of the District Magistrate-cum-Collector, Purnea.

6. Learned counsel appearing on behalf of



respondent has drawn attention of this Court from Paragraph Nos. 8 and 9 which reads as follows:-

“8. That with regard to the specific direction of this Hon’ble Court as to whether Death Certificate dated 22.06.2021 was being issued by the Registrar, Birth and Death, Municipal Corporation, Purnea or not, it is categorically submitted that the matter was examined from the aforesaid office and it has been communicated through letter no. 81 dated 07.01.2023 that the Death Certificate was granted from said officer and is a genuine document, which was issued on 22.06.2021 vide Registration No. 971.

9. That it is respectfully submitted that in view of direction of the State Government a three Member Committee was constituted, which has submitted its report in which a list consists of 35 dead persons has been prepared and recommended by the District Magistrate, Purnea and the same has been set to the Executive Director, State Health Society for its consideration vide letter no. 1562 dated 29.11.2022. It is submitted that the name of the petitioner’s husband finds place at Serial No. 16 of the said list.”

7. On perusal of Paragraph No. 8 specific statement has been made that the Registrar, Birth and Death, Municipal Corporation, Purnea that the last rites of the husband of the petitioner was performed as per the COVID-19 protocol and it is mentioned therein as ‘DOD COVID-19 VIRUS IDENTIFIED’, the said certificate was issued on 22.06.2021.

8. Having regard to the rival submission of the parties and the materials on record, the specific statement made by the District Magistrate in paragraph no. 8 of the counter affidavit filed on his behalf as well as the death certificate issued



on 22.06.2021, the District Magistrate is directed to take immediate action to make payment of due compensation amount forthwith to the petitioner not beyond the period of three weeks.

9. Accordingly, the present writ petition is disposed of.

(Purnendu Singh, J)

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