

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.21820 of 2013**

Dr. Nita Jha W/O Late Dr. Manoranjan Jha, Proprietor Of R.M. Hospital and Research Center, Alkapuri, P.O. and P. Resident Of Flat No.203, Aranya Balbhardra Apartment P.S. Budha Colony, Patna - 800001

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Executive Director, State Nodel Agency, Rastriya Swastha Bima Yojna, Department Of Labour Welfare A
3. Chairman, Rastriya Swastha Bima Yojna, Department Of Labour Welfare And Employment, New Secretariat
4. Chairman Cum Managing Director National Insurance Co. Ltd., 3 Middleton Street, Kolkatta, West Bengal, Pin Code - 700071
5. Regional Manager National Insurance Co Ltd., 4th Floor Sone Bhawan, Birchand Patel Marg, Patna - 1
6. The Md India Health Care Services Pvt Limited, Tpa Of National Insurance Complex S.No. 46/1, Espace

... .. Respondent/s

**Appearance :**

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| For the Petitioner/s       | : | Mr. Arun Shrivastav, Adv.                                        |
| For the State              | : | Mr. Subhash Pd. Singh GA-3.                                      |
| For the Respondent No 4&5: | : | Mr. Durgesh Kr. Singh, Adv. with<br>Mr. Abhijeet Kr. Singh, Adv. |

**CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY**  
**ORAL ORDER**

9      12-01-2024                      Heard learned counsel for the parties.

2. The present Writ Petition has been filled for the following reliefs:-

*“....for issuance of appropriate order writ or direction on the respondents to pay the bill amount of the petitioner for the work done under Rastriya Swastth Bima Yojna of Respondent Nos. 1 & 4 through the Respondent No. 6 who is a IRDA licensed "Third party Administrator" for*



*implementation of Rastrya Swasth Bima Yojna, for BPL people under National Insurance Company Respondent No. 5, a joint venture of Central Government and State Government, for the period 2011 and 2012 for the Medical facility extended to the BPL category under memorandum of understanding amounting to Rs 2,38,750/- on the Respondent Nos. 5 and 6 who has wrongly rejected the claim of the petitioner and is liable to pay the said amount being third party administrator under National Insurance Company.”*

3. The petitioner in the present case is aggrieved by non-settlement of her claims and for payment of the bills raised in terms of the agreement copy of which has been brought on record as Annexure -'3' in the writ petition. It is submitted that in terms of the conditions of contract relating to payment of Bills, the petitioner has raised her online claim. The petitioner has also submitted the discharge summary in accordance with the rate as prescribed in the agreement on a daily basis but the claims have not been paid to the petitioner till date.

4. Learned counsel for the respondents submits that on the perusal of Annexure -'3' it would appear that the agreement has come to an end on 31.08.2016 which was extended till 31.03.2017. If it is the case of the petitioner that they had been submitting her claims online along with the



discharge summary on each day and in case of non-payment of the claims, the petitioner invoked the arbitration clause contained under the agreement. However, the petitioner has chosen to file this writ application.

5. Learned counsel submits that this Hon'ble Court exercising writ jurisdiction under Article 226 of the Constitution of India cannot decide disputed questions of fact and would not act as a fact finding Court to enquire as to whether the petitioner has actually executed the work and submitted Bills or not claimed by her. Learned counsel has stated under similar circumstances, a co-ordinate Bench of this Hon'ble Court in C.W.J.C. No. 12421 of 2012 vide order dated 01.08.2012 has given a direction to the State Level Grievance Redressal Committee to take a decision in the matter in accordance with law within a period of three months. It is submitted that similar order may also be passed in the present case as well.

6. Having regard to the submissions made by the learned counsel for the parties and on perusal of the records, this Court is of the opinion that Court is not in a position to record a finding as to whether the petitioner having actually worked and submitted the Bills. It would, however, direct the State Level Grievance Redressal Committee to look into the grievance of



the Petitioner in terms of the agreement as contained in Annexure-3 consider the same and take a decision thereon within a period of three months from the date of receipt/production of a copy of this order.

7. In case the petitioner is found to have submitted her online claims with discharge summary and all other documents required in terms of the agreement on each date as have been claimed in the writ application and they are found to be genuine and payable, then the respondents shall pay the admitted claim of the petitioner after taking a decision thereon as above within one month thereof.

8. With the above directions, the present writ petition stands disposed off accordingly.

**(A. Abhishek Reddy , J)**

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