

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4404 of 2020

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Amit Kumar, son of Kapildeo Prasad, resident of Village- Padma Nagar, Ward
No. 35, P.S.- Bettiah, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar, through Secretary-cum-Legal Remembrancer,
Department of Law, Government of Bihar, Patna.
2. The Secretary, Bihar State Legal Services Authority, Budh Marg, Patna.
3. The Executive Chairman, Bihar State Legal Services Authority, Budh Marg,
Patna.
4. The District Magistrate, West Champaran, Bettiah.
5. The Superintendent of Police, District- West Champaran, Bettiah.
6. The Chairman, District Criminal Injury Compensation Board, West
Champaran.
7. The Secretary, District Legal Services Authority, West Champaran. Bettiah.
8. The Chief Medical Officer, District- West Champaran, Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Bimlesh Kumar Pandey, Advocate
For the Respondent/s	:	Smt. Kumari Amrita (GP-3)
		Mr. Rajesh Kumar, AC to GP-3

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 3 17-10-2024 At the outset, the learned counsel for the petitioner

seeks permission to correct the nomenclature of the respondent

no. 7. Permission, so sought, is granted.
2. Needful be done during the course of the day.
3. The present writ petition has been filed for

directing the Secretary, District Legal Services Authority, West

Champaran, Bettiah to pay compensation of a sum of Rs.

7,00,000/- (rupees seven lacs) to the petitioner, who is an acid



attack victim and has sustained more than 50 % injury, as per the Bihar Victim Compensation Scheme, 2014, as amended vide gazette notification dated 20.07.2018, wherein it has been postulated that in case of acid attack victim, if the injury is more than 50%, a minimum amount of Rs. 3,00,000/- and up to a sum of Rs. 7,00,000/- can be paid as compensation.

4. The learned counsel for the petitioner has referred to the certificate issued by the office of the Civil Surgeon-cum-C.M.O., West Champaran, Bettiah, Bihar dated 08.06.2018, titled as “Certificate for the persons with disabilities”, annexed as Annexure-4 to the present writ petition and not controverted by the respondents, to show that the petitioner has sustained 60.1% disability, hence it is submitted that the petitioner is entitled to compensation, ranging in between Rs. 3,00,000/- to Rs. 7,00,000/-, nonetheless, he has been paid a paltry sum of Rs. 1,00,000/- only.

5. *Per contra*, the learned counsel for the respondent-State has referred to the letter dated 25.03.2011, written by the Secretary, District Legal Services Authority, West Champaran, Bettiah to the Superintendent of Police, West Champaran, Bettiah to submit that since the injury found on the person of the petitioner was very minimal, a sum of Rs. 1,00,000/- has been



paid to him. It is further submitted by the learned counsel for the respondent-State that despite several request having been made to the petitioner to appear for physical examination, in order to ascertain the extent of disability, the petitioner has failed to appear before the respondent authorities, hence he is not entitled to any further compensation other than what he has already been paid.

6. I have heard the learned counsel for the parties and perused the materials on record, from which I find that in the certificate for the persons with disabilities, issued in favour of the petitioner by the office of the Civil Surgeon-cum-C.M.O., West Champaran, Bettiah, Bihar dated 08.06.2018, 60.1% disability has been mentioned, hence I deem it fit and proper to direct the Secretary, District Legal Services Authority, West Champaran, Bettiah i.e. the respondent no. 7 to take into account, the said certificate dated 08.06.2018, which shall be produced by the petitioner in original before the Respondent No. 7, within a period of four weeks' from today, get the petitioner examined, if so required, by a Medical Board and then take a decision with regard to payment of additional compensation to the petitioner, in terms of the Bihar Victim Compensation (Amendment) Scheme, 2018, notified vide gazette notification



dated 20.07.2018.

7. It is needless to state that the entire exercise shall be completed within a period of eight weeks from today.

8. Let a copy of the present order be transmitted to the Secretary, District Legal Services Authority, West Champaran, Bettiah, by the Registry of this Court.

9. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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