

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16984 of 2017

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Reena Kumari Wife of Sri Ramakant Kumar, Resident of Village
-Narayanpur, P.O.-Raja Bigha, P.S.-Narhat, District-Nawada, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Home Department, Govt. of Bihar, Patna, New Secretariat, Patna.
3. The Additional Secretary Home Department, Govt. of Bihar, New Secretariat, Patna.
4. The Director General of Police, Bihar, Patna.
5. The Commandant, Mahila Sashastra Vahini, Sasaram, Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajit Kumar, Advocate Mr. Abhay Kumar, Advocate
For the Respondent/s	:	Mr. Md.Nadeem Seraj -GP-5 Ms. Shalini, AC to GP-5

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL ORDER

5 09-01-2025 Heard learned counsel for the parties.

2. This writ petition has been filed challenging the order dated 08.02.2017 (wrongly written as 07.02.2017 in paragraph no.1(i) of the writ petition) Annexure-6, issued vide Memo no. 4679/50-1-24-2012 by respondent no.3, the Additional Secretary, Home Department, Government of Bihar, Patna, whereby, the petitioner's claim for reimbursement of the amount spent for her medial treatment has been rejected on the ground that Tata Memorial Hospital, Mumbai, where the petitioner was treated, is not in the schedule of the hospitals



recognized for treatment by the state of Bihar. The another ground for rejection of the petitioner's claim for medical reimbursement is that no prior permission was obtained from the competent authority before she received treatment in the aforesaid hospital.

3. Respondent nos. 2 and 3 have filed a counter affidavit, wherein, in paragraph nos. 10, 11 and 12, it has been stated as under:-

“10. That it is stated that the petitioner has filed a writ application bearing CWJC No. 16984/2017 mentioning therein that she was a layman and was not aware as to whether the referred hospital was within the list of State of Bihar or not, she was suffering from serious ailment and in this compelling circumstances she refused to T.M.H., Mumbai for her treatment without obtaining permission of the government. Taking sympathetic view of the above matter the claim of the petitioner was reconsidered by the department and the Home Department has decided to grant post facto sanction for the treatment availed the by petitioner, under provisions of Rule 26 of the Bihar Upchar Niyamavali. Requisite sanction order in this regard has already been issued vide letter no. 260 dated 09.01.2018.

11. That it is pursuant to the above decision taken, the Home Department (Police Branch) has requested Assistant Inspector General of Police (Inspection), Bihar, Patna to make available all the



related documents pertaining to the treatment of petitioner vide memo no. 336 dated 10.01.2018. Further necessary action for reimbursement of medical expenses incurred by petitioner will be taken soon after receipt of requisite documents.

12. That under the facts and circumstances mentioned above, it is evident that sincere efforts are being made to redress the grievances of the petitioner and her genuine claims shall be settled expeditiously procedures after following due procedures.”

4. From perusal of the averments made by the respondent nos. 2 and 3 in the counter affidavit filed, which have been extracted hereinabove, it is noticed that the State respondents have stated that taking a sympathetic view of the matter, the claim of the petitioner was reconsidered by the department and the Home Department has decided to grant post facto sanction for the treatment availed by the petitioner under the provisions of Rule 26 of the Bihar Upchar Niyamawali. In that regard, it has been further stated that requisite sanction order in this regard has already been issued vide letter no. 260 dated 09.01.2018. Pursuant thereto, it has been further stated by the respondent nos. 2 and 3 in the counter affidavit that the Home Department (Police Branch) has requested the Assistant Inspector General of Police (Inspection), Bihar, Patna to make



available all the related documents pertaining to the treatment of the petitioner vide Memo No. 336 dated 10.01.2018 and further necessary action for reimbursement of medical expenses incurred for treatment of the petitioner will be taken soon after receipt of the requisite documents. Having stated as above, respondent nos. 2 and 3 have further stated in paragraph no. 12 of the counter affidavit that the grievance of the petitioner shall be settled expeditiously after following due procedure.

5. Since the respondents in the counter affidavit filed through respondent nos. 2 and 3 have stated that taking a sympathetic view of the matter, the state authorities have decided to grant post facto sanction for treatment availed by the petitioner under the Provisions of Rule 26 of the Bihar Upchar Niyamawali, for which process has already been initiated by the department and the department has expressed that the claim of the petitioner shall be settled expeditiously by following due procedure, this writ petition is hereby disposed off with a direction to the respondents, more particularly, respondent nos. 2 and 3/ the Principal Secretary, Home Department, Government of Bihar, Patna, New Secretariat, Patna and the Additional Secretary, Home Department, Government of Bihar, Patna, New Secretariat, Patna, respectively to take a decision to



settle the claim of the petitioner for reimbursement of the expenses incurred by her for her treatment in the light of the stand taken in the counter affidavit filed, which have been highlighted hereinabove, as expeditiously as possible and in any case, not later than four weeks from the date of receipt of certified copy of the order, if such a decision has not already been taken.

6. The writ petition is disposed off with above direction.

(Nani Tagia, J)

Amrendra/-

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