

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13888 of 2024

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1. Naresh Kumar Chauhan Son of Late Ramashankar Chauhan, Resident of Village- Bhitharwa, Bhitharwa Ashram, P.S.- Gaunaha, District- West Champaran.
 2. Atul Kumar Chauhan, Son of Naresh Kumar Chauhan, Resident of Village- Bhitharwa, Bhitharwa Ashram, P.S.- Gaunaha, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Health Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Health Department, Government of Bihar, Patna.
3. The State Health Society, through the Executive Director, Parivar Kalyan Bhavan, Sheikhpura, Patna.
4. The District Magistrate, West Champaran, Bettiah.
5. The Civil Surgeon cum Chief Medical Office cum Member Secretary, District Health Society, West Champaran, Bettiah.
6. The In- Charge, Sub- Divisional Hospital, Narkatiaganj, West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashank Chandra, Adv.
For the Respondent/s	:	Mr. Gautam Kumar Yadav, AC to GP-26
		Mr. K.K.Sinha, Adv.
		Mr. Shashi Shekhar, Adv.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 14-07-2025 1. Heard learned counsel for the petitioners, Mr. Shashank Chandra and learned AC to GP-26 for the State.

2. The learned counsel appearing on behalf of the petitioners submits that the instant writ application has been filed for a direction upon the respondent authorities to pay compensation to the petitioners on account of death of the wife of petitioner no. 1 due to Covid. It is next submitted that wife of



the petitioner no. 1 was suffering from Covid, as such, she was taken to Sub-Divisional Hospital, Narkatiaganj, West Champaran where her RTPCR Test was conducted on 08.05.2021 and she was tested positive for Covid-19 infection and her oxygen level was found 90, as such, she was allotted Registration No. COV/72/2021 and she was referred to an isolation ward of the hospital at around 01:52 PM on 08.05.2021 itself, but then her health condition deteriorated and she died on 15.05.2021. It is submitted that Sub-Divisional Hospital, Narkatiaganj, West Champaran was declared as dedicated Covid Health Centre by the authorities, as such, the wife of petitioner no.1 was admitted in the said hospital, after she was found suffering from Covid based on her RTPCR test.

3. It is next submitted that it has been specifically pleaded in the writ application that after the death of the wife of petitioner no. 1, the dead body was not handed over to the family members, rather the dead body of the wife of the petitioner no. 1 namely Late Srimati Devi @ Shreemati Devi @ Shrimati Devi was taken by an Ambulance of the hospital to the cremation ground where she was cremated, it is next submitted that thereafter death certificate was issued which recorded death on account of cardiac arrest, but then it is submitted that patients



who were suffering from Covid, suffered cardiac arrest on account of which they died, it is thus submitted that merely because the doctors recorded the cause of death as cardiac arrest, cannot belie the claim of the petitioners on the ground that wife of petitioner no. 1 did not die on account of Covid infection when she was admitted in a dedicated Covid Health Center on 08.05.2021, and thereafter, was shifted to an isolation ward since her oxygen level was low and later succumbed to Covid infection. It is also submitted that had the death not been due to Covid, in that event the doctors would have handed over the dead body of the wife of petitioner no. 1 to the family members, but then the dead body was taken by an Ambulance of dedicated Covid Health Center to the cremation ground where the dead body was cremated, which amply demonstrates and reflects that the death was on account of Covid.

4. The learned counsel for the petitioners next submits that the Government had announced ex-gratia of Rs. 4,50,000/- to those whose family members died on account of Covid-19. It is submitted that on one hand the Government announces ex-gratia and on the other hand, the authorities to belie the claim of genuine claimants are taking frivolous plea. It is also submitted that an evasive counter affidavit was filed on



behalf of the authorities and the counter affidavit did not explain what COV in COV/72/2021 dated 15.05.2021 stands for in the death certificate issued by the doctors of the hospital annexed as Annexure-1 at Page-18 to the writ application. It is also submitted that the counter affidavit also does not even remotely reply that as to why the dead body of the wife of petitioner no.1 was taken by an Ambulance to the cremation ground for cremation when she was not suffering from Covid, it is further submitted that the counter affidavit is also silent on the issue that if the wife of petitioner no.1 was not suffering from Covid then why she was admitted in a dedicated Covid Health Center. The learned counsel submits that the case was taken up on 07.07.2025 when the aforesaid order was recorded and the State was directed to file a supplementary counter affidavit.

5. The learned AC to GP-26 appears and submits that in compliance of the order dated 07.07.2025, a supplementary counter affidavit has been filed duly sworn by the District Magistrate, West Champaran. It is next submitted that at para-5 of the supplementary counter affidavit, it has been clearly pleaded- that, in accordance with the above-mentioned directive, the team has enquired the issue and, through Letter No.239, dated 09.07.2025 (Annexure-R/3 to the supplementary



counter affidavit), has submitted their joint report, which includes a clear recommendation for the payment of ex-gratia on clinical grounds, in favour of the writ petitioner for her deceased wife, Late Srimati Devi, who passed away on 15.05.2021 exhibiting Covid-19 like symptoms. Further, at Para-6 of the supplementary counter affidavit, it has been recorded-that, it is respectfully submitted that, in light of the above-mentioned joint report, an allotment has been requested from the Additional Chief Secretary, Health Department, Government of Bihar through Letter No.472/disaster, dated 09.07.2025 (Annexure-R/4 to the supplementary counter affidavit), to facilitate the payment of ex-gratia to the writ petitioner. It is assured that once the department provides the allotment, the payment will be processed in favour of the writ petitioner. The learned State counsel thus submits that the grievance of the petitioners stands redressed as allotment has been sought by letter no. 472/disaster, dated 09.07.2025 for making the payment of ex-gratia to the writ petitioners. The learned counsel appearing on behalf of the State at this stage submits that inadvertently at para-6 of the supplementary counter affidavit, it has been recorded State Disaster Management Department, Bihar, when it ought to have been



Additional Chief Secretary, Department of Health, Government
of Bihar.

6. The Court completely fails to appreciate the conduct of the respondents authorities in rejecting the claim of the petitioners for ex-gratia on account of death of the wife of petitioner no.1 and mother of petitioner no.2 earlier. The death occurred in the year 2021 and it was only when the writ application came to be filed the authorities woke up from their slumber accepting that the petitioners are entitled for ex-gratia payment.

7. After hearing the learned counsel for the parties, the writ application is disposed of with a direction to the District Magistrate, West Champaran, Bettiah to ensure that the payment of ex-gratia is made to the petitioner no.1 within a period of four weeks from the date of receipt/production of a copy of this order.

8. The supplementary counter affidavit is taken on record.

(Satyavrat Verma, J)

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