

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7671 of 2016

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1. Shyama Surgical Sansthan through its Managing Director, Smt. Renu Mishra, 5 G.M. Road Darbhanga
 2. Smt. Renu Mishra, Managing, Director, Shyama Surgical Sansthan, 5 G.M. Road, Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Department of Labours Welfare Committee, Vikash Bhawan, Patna (Bihar)
2. The Principal Secretary Cum- Chairman Labour and Welfare Committee, Vikash Bhawan, Patna Bihar.
3. The Executive Director Incharge R.B.S.Y. Rastriya Swasthya Bima Yojana Bihar State Labour and welfare Committee, Patna
4. The HDFC ERGO, General Insurance Company limited, Registered office at Ist Floor, 165-166 Backbay Reclamation, H.T. Prakash Marg, Church Gate, Mumbai - 400020
5. The State Head, HDFC ERGO, General Insurance Company Limited, Registered office at Uma Complex, Freser Road, Patna (Bihar)

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ganesh Chandra Thakur
For the State	:	Mr. Anwar Karim, AC to PG 10
For Respondent Nos. 4 & 5:		M/s Kamleshwar Padney, Mayuri Durgesh Kumar Singh Abhijeet Kumar Singh Anjana Sinha, Advocates

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 02-07-2026

1. The petitioners have filed the instant application for the following reliefs:

*“ For direction to the
Respondent Nos- 4 and 5 to pay the
hospitalization and treatment charges*



amounting Rs. 7,54,500/- of the B.P.L. patients for which the petitioners are entitled to get as they treated and operated the patients under B.P.L. Category under R.S.B.Y. Scheme on the instruction of Respondent Nos. 4 & 5.

2. At the very outset, the Learned counsel appearing on behalf of the parties submit that the issue involved in the present writ petition is no longer *res integra*. It is contended that the issue stands squarely covered by the order dated 06.09.2022 passed by a Division Bench of this Court in **C.W.J.C. No. 455 of 2020 (Dr. Nita Jha Vs. The State of Bihar & Ors)**, wherein an identical issue was considered and adjudicated. The Learned counsel for the parties, therefore, submit that in view of the aforesaid judgment, the present writ petition may also be disposed of, in terms of the order dated 06.09.2022.

3. In **Dr. Nita Jha** (supra) this Court has held as follows:

“After the matter was heard



for some time, finding the Court not to be in favour with the submissions made across the Bar, learned counsel for the petitioner, more so in view of the disputed question of fact, fairly states that petitioner be permitted to take recourse to such equally, efficacious alternative remedies as are available in accordance with law.

Permission granted.

We clarify that we have not adjudicated the dispute on merits. All questions of fact and law are left open to be agitated and adjudicated before the appropriate forum in appropriate proceedings.

Petition stands disposed of in the aforesaid terms.”

4. Having regard to the submissions made by the parties, the present writ petition stands disposed of in terms of the aforesaid



judgment passed in **Dr. Nita Jha** (supra).

5. Interlocutory Application, if any, shall
stands disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.07.2026
Transmission Date	

