

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12496 of 2012

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Surendra Rajak S/O Tetar Rajak R/O Village- Naga Bigha, P.S.- Aurangabad,
District- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Department of Home, Govt. of Bihar, Patna
3. The Director General, Bihar Home Guard and Fire Service, Patna
4. The Superintendent of Police, Aurangabad
5. The District Commandant, Bihar Home Guards, Aurangabad

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kamendra Pd. Singh, Advocate
For the Respondent/s : Mr. Nadim Seraj, G.P.-5
Ms. Shalini, A.C. to G.P.-5
Mr. Neeraj Nandan, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

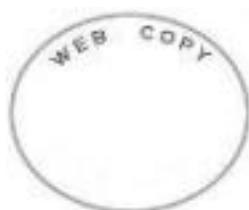
ORAL JUDGMENT

Date : 08-12-2025

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The petitioner has filed the instant application for the
following relief(s):

*“That this is an application for issuance of an
appropriate writ/writs, order/orders, direction/directions
directing the respondent authority to reimburse all the
medical expenditure (claim) of the petitioner, as he
become injured when he fell down from the stair of the
office of Superintendent of Police, Aurangabad in course
of performing official duty on 20.09.2010. And for any
other relief/reliefs which he may be found entitle in the*



eyes of law.”

3. The case of the petitioner in brief is that having been deputed in the office of the Superintendent of Police, Aurangabad, the petitioner joined on 6.4.2010 and started discharging his duties. He sustained a fall in the office on the staircase on 20.9.2010. He was admitted in the R.P. Orthopedic Hospital & Research Centre Private Limited at Ranchi under Dr. S.N.Yadav where he underwent surgical operation and treatment. He incurred a total cost of Rs.2,06,984/-.

4. It is further case of the petitioner that his condition not having improved, he was referred to the Rajendra Institute of Medical Sciences, Ranchi where he was treated upon from 4.11.2010 till 6.12.2010. On his health being restored, he returned and joined his duties. The medical bills submitted by the petitioner not having been reimbursed by the respondents, the petitioner has filed the instant application for a direction to the respondents authorities to reimburse all medical expenditure incurred by the petitioner in his treatment.

5. Learned counsel for the petitioner submits that the petitioner was not able to obtain prior permission as required under resolution brought on record to the counter affidavit because of the urgent condition in which the treatment was required. It is submitted that in similar cases, this Court has



been pleased to direct for reimbursement of the medical claims. Reliance has been placed on the judgment of this Court in the case of **Md. Ahad Raza vs. The State of Bihar & Ors.; 2008(1) PLJR 337, Biresh Chandra Chatterji vs. State of Bihar & Ors.; 2008(1) PLJR 394 and Dr. Dharendra Kumar vs. State of Bihar & Ors.; 2007(4) PLJR 281.**

6. The application is opposed by learned counsel appearing for the respondents. It is submitted that the petitioner who underwent treatment for a fall at the time when he was posted on duty in the office of the Superintendent of Police, Aurangabad was to be treated as a Government employee vide resolution bearing memo no.493 dated 21.3.2003 issued from the Home (Special) Department, Government of Bihar. However, he having undergone treatment outside the State without having taken any permission from the concerned competent authority as required under Clause 3(iv) of the resolution no.1070(14) dated 10.5.2006 issued by the Health and Family Welfare Department, Government of Bihar, the writ application is fit to be dismissed. It is further submitted that as per the resolution dated 10.5.2006, the petitioner was to be treated at a Government Medical College Hospital. He having sustained fall at Aurangabad, the Government Medical College



Hospitals at Gaya and Patna were not only within the State of Bihar but also closer than the place of his treatment ie Ranchi.

7. Heard learned counsel for the parties and perused the material on record.

8. The relevant facts in brief are that the petitioner while posted as Constable in the Bihar Homeguard was posted in the office of the Superintendent of Police, Aurangabad. He sustained a fall from the staircase in his office on 20.9.2010 as a result of which he was treated at R.P. Orthopedic Hospital & Research Centre Private Limited at Ranchi and thereafter at the Rajendra Institute of Medical Sciences, Ranchi. The bills submitted by him not having been reimbursed by the respondents, the instant application has been filed.

9. It transpires from the records of the case that contrary to the provisions contained in Clause 3(iv) of the resolution no.1070(14) dated 10.5.2006 of the Health and Family Welfare Department, Government of Bihar, the petitioner did not obtain prior permission for his treatment before getting himself treated at Ranchi.

10. It may be observed here that there is no dispute with respect to the fact that no prior permission was obtained by the petitioner before getting himself treated at the two hospitals in



Ranchi. There is also no dispute with respect to the fact nor have the respondents raised any suspicion that the petitioner did sustain a fall, injured himself on 20.9.2010 and on the same day was rushed from Aurangabad to the private hospital at Ranchi where he was operated upon on 25.9.2010 and on his condition not improving was referred to the Rajendra Institute of Medical Sciences, Ranchi. His treatment continued and on recovering, he returned and joined his duties. To substantiate his medical treatment etc., the petitioner has also enclosed along with the supplementary affidavit the prescriptions of the doctor in original and the various tests carried out including 'MRI of his spine with contrast' as also the original discharge sheet of the Department of Neuro Surgery in the Rajendra Institute of Medical Sciences, Ranchi.

11. In view of the nature of injury sustained and the manner in which the petitioner was rushed and admitted at Ranchi on 20.9.2010, in the opinion of the Court, the petitioner did not have any time for taking prior permission. No one disputes the fact that the petitioner could have opted for and been treated in the State of Bihar also, however, merely for the reason that he was taken by his family and/or friends to the hospital at Ranchi where he underwent treatment, he cannot be



deprived of his claim for reimbursement of the medical expenditure incurred.

12. In view of the facts and circumstances of the case, the case of the petitioner is also fully covered by the judgments in the case of **Md. Ahad Raza (supra)**, **Biresh Chandra Chatterji (supra)** and **Dr. Dharendra Kumar (supra)** relied upon by the learned counsel for the petitioner.

13. It may further be observed that in the case of **Dr. Dharendra Kumar (supra)** as also the other cases, this Court has taken note of Rule 26 of the Bihar Medical Attendance Rules which enables the Government in granting to any person any concession relating to medical attendance or treatment which is not authorized by the Rules.

14. In the facts and circumstances of the case, as discussed herein above, the Court is of the opinion that the petitioner is entitled for the relief prayed for in the instant application.

15. Accordingly, the respondents are directed to reimburse the medical expenditure sustained and claim made by the petitioner in the treatment after his fall on 20.9.2010 while performing his duties in the office of the Superintendent of Police, Aurangabad.



16. The petitioner shall file a representation with a copy of the writ application and the supplementary affidavit along with a copy of the order and the total amount/expenditure incurred shall be reimbursed to the petitioner within a period of three months.

17. The writ application stands allowed.

(Partha Sarthy, J)

Saurabh/-

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| AFR/NAFR | NAFR |
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