
(2005) 03 PAT CK 0043
In the Patna High Court
Case No : CWJC No. 15374 of 2004

Jai Narayan Jha

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 01-03-2005

Acts Referred:

Citation : (2005) 2 PLJR 165

Hon'ble Judges : V.N. Sinha, J

Bench : Single Bench

Judgement

V.N. Sinha, J.—The State counsel has filed counter affidavit without affixing Court fee stamp over the same. It is submitted by the Learned Counsel for the State that no sooner the Court fee stamp is available with the stamp vendor, he shall file the same in the office of this Court. Let the State counsel file court fee stamp in the office of this Court within one week from today. Heard Learned Counsel for the petitioner and the State.

2. The petitioner, who is a citizen of India and has been identified as one below the poverty line, has filed this writ application for a direction to the State respondents to consider and pay the amount of Rs. 60,000/- in compliance of their own scheme, Annexure-2 as his wife is suffering from Cancer in the Uterus as has been found by the attending Surgeon Prof. Dr. R.N. Jha on 12.4.2004, Annexure-1 and also by the District Level Committee constituted by the Civil Surgeon as would appear from Letter of the Civil Surgeon, Bhagalpur, bearing Memo No. 4767 dated 8.10.2004, Annexure-4/1. Considering the aforesaid facts this Court under orders dated 10.2.2005 had directed the State respondents to take required steps in the matter as the wife of the petitioner is required to undergo operation of Vasectomy. In compliance of the aforesaid order dated 10.2.2005, the State respondents have filed counter affidavit and thereunder it is submitted that as the wife of the petitioner is being treated in Tata Memorial Cancer Hospital at Bombay which hospital is not included in the resolution of the State Government dated 14.3.2000, Annexure-A, the State respondents are

helpless in the matter. Having heard counsel for the parties and having perused the averments made in the writ application, counter affidavit as also the annexures appended thereto, admitted position is that the petitioner is already identified as a poor person as his name is included in the list of persons below the poverty line and his wife is suffering from Cancer as has been certified by the Committee constituted by the Civil Surgeon, Bhagalpur and she is being treated in the Tata Memorial Cancer Hospital, Bombay and is covered by the scheme, Annexure-2 and is entitled to the grant of Rs. 60,000/- from the State, but she is not being granted the said amount as she is being treated at Tata Memorial Cancer Hospital, Bombay which hospital is not included in the Resolution of the State dated 14.3.2000, Annexure-A. It is well known that Tata Memorial Hospital, Bombay is a premier institution in the matter of Cancer treatment and ought to have been included in the resolution of the State dated 14.3.2000. I accordingly, direct the State respondents not only to consider, but to pay Rs. 60,000/- to the petitioner which is required for treatment of his wife at Tata Memorial Cancer Hospital, Bombay in the light of the notice of the State of Bihar which is contained in Annexure-2. Let the aforesaid payment be made to the petitioner within one week from the date of receipt/production of a copy of this order.