

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9460 of 2024

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Jai Prakash Narayan Son of Late Raghunath Prasad Resident of Kisan Colony,
Phase No. II, House No. K2/58, P.S- Phulwari Shariff, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through Chief Secretary Government of Bihar, Patna.
2. Additional Chief Secretary, Health Department Government of Bihar Patna
Ist Floor, Vikas Bhawan, Bailey Road, Patna.
3. District Magistrate, Saran at Chapra.
4. Civil Surgeon cum Chief Medical Officer, Saran at Chapra

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjai Kumar Singh, Advocate
For the Respondent/s : Mr.Advocate General

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR

ORAL JUDGMENT

Date : 11-09-2026

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

2. In the instant writ petition, the petitioner has
prayed for the following relief(s):

*“I. For Commanding and Directing the
Respondents to ensure payment of Ex-Gratia
amount of Rs.4,00,000/- (Four Lakhs) to Petitioner,
in respect of death of his father due to Covid-19
Virus.*

*II. For holding that, Petitioner is entitled to
the payment of Ex-Gratia amount in the light of the
notification by State Government as well as in the
light of guideline issued by this Hon'ble Court as
well as Hon'ble Apex Court.*



III. For considering that, Petitioner has been subjected to discrimination at the hands of Respondents, despite being entitled for payment of such ex-Gratia amount.

IV. For also considering that, Petitioner has been running from pillar to post for payment of the Ex-Gratia amount before Respondents for which he is legally entitled.

V. For any other relief(s) for which the Petitioner is found entitled in the eye of law.”

3. The petitioner is aggrieved by non-payment of ex-gratia compensation claimed on account of the death of his father, allegedly due to Covid-19, the claim having been rejected by the three-member District Enquiry Committee on the ground that no Covid-19 test (RT-PCR/Antigen/TrueNat) was conducted and that the material on record did not establish that the death occurred on account of Covid-19.

4. Learned counsel for the petitioner submitted that the father of the petitioner was admitted to Sanskar Hospital, Bhagwan Bazar, Chapra on the advice of doctors after Sadar Hospital, Chapra expressed its inability to admit him, and on tests conducted at Ankita Diagnostic Centre and Sri Ram M.R.I. Scan Centre, Chapra, it was detected that he was severely infected with the Corona Virus, in the course of which treatment he died on 07.05.2021, and the concerned hospital refused to



issue a discharge certificate.

5. The counsel for the petitioner further submitted that, the petitioner repeatedly filed representations dated 12.06.2021, 15.06.2021, 03.10.2023 and 18.10.2023 before the Civil Surgeon-cum-Chief Medical Officer, Chapra, the District Magistrate, Saran and the Additional Chief Secretary, Health Department, along with all relevant documents, but the respondents have failed to consider his *bona fide* grievance.

6. Learned counsel for the State, submitted that as per the report of the District Epidemiologist, I.D.S.P., Saran dated 08.07.2024 and the report of the three-member Enquiry Committee, the petitioner neither submitted the registration/medical prescription of Sadar Hospital, Chapra, nor was any RT-PCR/Antigen/TrueNat test conducted on the deceased; the claim rests only on a CT-Scan report obtained from a private institution, which does not confirm Covid-19 infection.

7. Learned counsel for the State further submitted that, the prescription of Sanskar Hospital does not disclose any infection or apprehension of Covid-19, and the Death Certificate records the place of death as the residence of the deceased and not the hospital; the three-member Enquiry Committee, after



considering all material on record, rejected the claim on 30.07.2021, and the writ petition is devoid of merit.

8. Having heard learned counsel for the parties and perused the record, this Court finds that, unlike cases where the fact of death due to Covid-19 is not disputed and rejection rests purely on the technical ground of an unauthorised laboratory, the material on record here raises a genuine dispute as to the foundational fact itself: no RT-PCR/Antigen/TrueNat test was conducted, the treating hospital's own prescription is silent on Covid-19 infection, and the Death Certificate records the place of death as the deceased's residence and not the hospital.

9. The Hon'ble Supreme Court in the case of ***Gaurav Kumar Bansal v. Union of India & Anr.*** reported in ***2021 SCC OnLine SC 3384*** (Miscellaneous Application No. 1120 of 2021 in Writ Petition (Civil) No. 539 of 2021) has held that absence of a formal Covid-19 test report is not, by itself, conclusive, and the State cannot deny ex-gratia assistance solely on such technical grounds where other requisite documents otherwise establish the claimant's eligibility. The said principle, however, presupposes the existence of reliable corroborative material establishing that death occurred on account of Covid-19, which, on the facts noted above, does not stand



demonstrated before the Committee.

10. The claimant must establish that the victim had contracted COVID-19 by placing on record the relevant COVID-19 test report or a COVID-19 death certificate in support of the claim.

11. In view of the aforesaid, I find no merit in the case.

12. Accordingly, the present Writ petition is dismissed.

(Alok Kumar, J)

Manish Kumar

AFR/NAFR	NAFR
CAV DATE	25.08.2026
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Transmission Date	NA

