

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6457 of 2024

1. Aneesh Singh Son of Ram Sagar Singh Resident of Village - Raghuram Tola, Aunta, P.O. and P.S. - Hathidah, District - Patna.
2. Geeta Devi Wife of Krishna Madhav Pandey Resident of Village - Maranchi, Uttree Gandhi Tola, P.O. and P.S.- Maranchi, District - Patna.
3. Madhuree Devi Wife of Sadan Prasad Singh Ward no. 4, Resident of Village - Rampur Dumra, P.O. and P.S.- Maranchi, District - Patna.
4. Mani Bhushan Singh Son of Parshuram Singh Resident of Village - Raghuram Tola, Aunta, P.O.and P.S. - Hathidah, District - Patna.
5. Reema Kumari Wife of Pankaj Kumar Resident of Village - Raghuram Tola, Aunta, P.O.and P.S. - Hathidah, District - Patna.
6. Vishakhi Devi Wife of Shiv Kumar Singh Resident of Village - Maranchi, P.O. and P.S.- Maranchi, District - Patna.
7. Anant Kumar Sharma Son of Baliram Prasad Singh Resident of Village - Maranchi, Uttri Tola, Pratappur, P.O. and P.S.- Maranchi, District - Patna.
8. Krishna Murari Son of Rama Shakar Singh Resident of Village - Maranchi, Ward No. 3, P.O. and P.s.- Maranchi, District - Patna.

... .. Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Additional Chief Secretary, Department of Health, Bihar, Patna.
3. The Executive Director, State Health Samiti, Bihar, Patna.
4. The District Magistrate Patna.
5. The Civil Surgeon-cum-Chief Medical Officer, Patna.
6. The Additional District Magistrate, Patna.
7. The Additional Chief Medical Officer, Patna.
8. The Authorized Senior Incharge Medical Officer, Patna.
9. The Circle Officer, Mokama, District - Patna.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Jainendra Kumar, Advocate
For the State Health Society	:	Mr. K.K. Sinha, Advocate
For the Respondent/s	:	Mr. Standing Counsel 18

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR
ORAL JUDGMENT

Date : 02-09-2026

Heard learned counsel for the petitioners and



learned counsel for the State.

2. The present writ application has been filed by the petitioners with the following main relief/reliefs:

- “(i) *To issue writ in the nature of Mandamus against the respondents/authorities.*
- (ii) *To pay compensation amount of Rs.400000/- (Four Lakhs) to the each petitioners under the Scheme of Bihar Covid Sahayata Yojna 2022 as their family members have died during Covid-19 period.*
- (iii) *To any other relief/reliefs in the facts and circumstances of the case.”*

3. The case of the petitioners, in brief, is that the family members of all eight petitioners contracted Covid-19 during the second wave of the pandemic and died in harness between 20.04.2021 and 20.05.2021, while under treatment/home isolation in the Mokama and Maranchi areas of District-Patna. The deaths of the petitioners' family members find due mention in the serial/line list of Covid-19 deaths compiled and forwarded by the State Health Society, Bihar. Representations for release of compensation under the Bihar Covid Sahayata Yojna, 2022 were made by the petitioners before the Upper Samaharta Parbandhan, Patna, supported by death certificates, medical prescriptions and bank statements.



4. Learned counsel for the petitioners submitted, that the genuineness of the Covid-19 test reports and the fact of death of the petitioner's family members due to Covid-19 have never been disputed by the respondent-authorities at any stage, and that the claims came to be rejected solely on the technical ground that the test in each case was conducted at a laboratory situated at Mokama, which was not formally notified/authorised by the State Government for RT-PCR/RAT/TruNat testing.

5. Learned counsel for the petitioners further submitted that the petitioners in C.W.J.C. No.13671 of 2023, whose family members were tested at the very same unauthorised laboratory at Mokama and whose claims were rejected on the identical ground, were granted the benefit of reconsideration by this Court, pursuant to which compensation came to be released to them and that the present petitioners, being similarly situated in every material particular, are entitled to parity of treatment, and that denial of the like benefit to them, without any distinguishing feature having been shown by the State, would offend the Right to Equality.

6. Learned counsel for the State/respondents submitted, that the claims of the present petitioners were duly examined at two tiers, firstly by the District Committee headed



by the Civil Surgeon, Patna, and thereafter by the State-level three-member Committee constituted by the Executive Director, State Health Samiti, Bihar and were successively rejected, first on 03.02.2023 and subsequently, upon re-examination, on 18.07.2024, for the reason that the Covid-19 test relied upon by each of the petitioners had been conducted at a laboratory not authorised by the Government for RT-PCR/RAT/TruNat testing, and consequently did not satisfy the prescribed eligibility criteria.

7. Learned counsel for the State/respondents further submitted, that the rejection of the petitioner's claims is a considered decision taken by the competent expert Committees after due verification of records and that no illegality or arbitrariness attaches to the process of scrutiny, and that this Court, exercising writ jurisdiction, ought not to substitute its own assessment for the factual determination arrived

8. Having heard learned counsel for the respective parties and perused the materials on record, this Court finds it necessary, before adverting to the rival contentions, to examine the legal framework governing eligibility for Covid-19 ex-gratia/compensation claims, as laid down by the Hon'ble Supreme Court and as applied by this Court in an identical fact-



situation.

9. The Hon'ble Supreme Court in the case of *Gaurav Kumar Bansal v. Union of India & Anr. (M.A. No.1120 of 2021 in W.P.(C) No.539 of 2021)*, while giving effect to the guidelines dated 03.09.2021 and 11.09.2021 issued respectively by the Ministry of Health & Family Welfare/ICMR and the National Disaster Management Authority, laid down the eligibility criteria for treating a death as one caused by Covid-19 for the purpose of ex-gratia assistance under Section 12(iii) of the Disaster Management Act, 2005. On a conjoint reading of paragraph 11(i) to 11(ix) of the said order, a case qualifies as a Covid-19 death where any one of the following conditions is satisfied: (i) the deceased was diagnosed Covid-19 positive through an RT-PCR/Molecular Test/RAT, or was clinically determined to be a Covid-19 case through investigation by a treating physician while admitted in a hospital/in-patient facility; (ii) death occurred within thirty days of such positive test or clinical determination, irrespective of whether death took place inside or outside the hospital; (iii) the deceased, having been admitted as a Covid-19 case, continued in the same admission beyond thirty days and died subsequently; (iv) a Medical Certificate of Cause of Death (MCCD) in Form 4/4A



has been issued under Section 10 of the Registration of Birth and Death Act, 1969, treating the death as Covid-19 related; and (v) the deceased died by suicide within thirty days of being diagnosed Covid-19 positive.

10. It is significant to note that nowhere in the said eligibility criteria does the accreditation, empanelment or authorisation status of the testing laboratory that conducted the RT-PCR/RAT test find mention as a disqualifying factor. The touchstone remains the fact and timing of a positive diagnosis or clinical determination, corroborated by contemporaneous medical records, and not the administrative status of the laboratory that generated the report.

11. This position finds direct support in the decision of this Court in C.W.J.C. No.13671 of 2023 (*Sushila Devi & Manoj Kumar v. State of Bihar & Ors.*), where an identical question fell for consideration — namely, whether a claim for ex-gratia compensation can be declined merely because the Covid-19 test was conducted at a laboratory not formally notified or authorised by the State Government. It was an admitted position in that case that no laboratory in Mokama, Patna, stood authorised by the State Government, and that Covid-19 patients could not reasonably be expected, at the



height of the pandemic, to first ascertain from a government website which laboratory stood authorised and thereafter travel to it for testing, given the constraints of time, transport and access prevailing at the relevant period.

12. The ratio of *Sushila Devi (supra)*, read with the eligibility criteria laid down in *Gaurav Kumar Bansal (supra)*, leads to the conclusion that non-authorisation of the testing laboratory, by itself and without more, cannot be elevated to a ground of ineligibility so long as (i) the factum of a positive Covid-19 diagnosis or clinical determination is not disputed, and (ii) the death otherwise falls within the temporal and clinical criteria set out in paragraph 11 of *Gaurav Kumar Bansal*. To hold otherwise would be to read into the Supreme Court's guidelines a disqualifying condition that the guidelines themselves do not contain, and would defeat the beneficial and welfare object underlying the ex-gratia scheme.

13. In the present case, it is not in dispute that the family members of the petitioners died during the second wave of the Covid-19 pandemic in the year 2021. Their claims stand supported by death certificates, medical prescriptions, bank statements and other requisite documents, and are duly reflected in the State Health Committee's own serial list of Covid-19



deaths at Serial Nos.11, 14, 15, 18, 19, 23, 24 and 37. The claims were examined and were on the singular ground that the Covid-19 test relied upon had been conducted at a laboratory not authorised for RT-PCR/RAT/TruNat testing.

14. This Court finds that the rejection, being founded solely on the administrative status of the testing laboratory, is indistinguishable in substance from the ground held unsustainable in C.W.J.C. No.13671 of 2023. The petitioners, being similarly situated to the petitioners in Sushila Devi (supra), and their claims suffering from the very same infirmity of reasoning, are entitled to parity of treatment.

15. It is important to reiterate that in a welfare state, the government has a binding constitutional and statutory duty under Article 21 and the Disaster Management Act, 2005, to act as an active guardian of public welfare, ensuring just and proper relief and financial compensation to citizens harmed or lost during national health crisis like Covid-19. The state authorities cannot reject claims simply on technicalities. The Constitution does not conceive the state as a distant spectator to human suffering, but as an active guardian of welfare and dignity.

16. In view of the above, the authority concerned is



hereby directed to reconsider the claims of all the petitioners within four weeks from the date of receipt or production of a certified copy of this order. Further, if on such consideration the petitioners are found eligible, the compensation shall be paid under the Bihar Covid-19 Sahayata Yojana 2022, along with any consequential ex-gratia benefits, and the same shall be released to them within a period of four weeks thereafter.

17. Accordingly, the present Writ petition stands disposed of in terms of the aforesaid directions.

18. Pending I.As, if any, stands disposed of.

(Alok Kumar, J)

Manish Kumar

AFR/NAFR	A. F. R.
CAV DATE	17.08.2026
Uploading Date	02.09.2026
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