

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9491 of 2024

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Asha Devi Wife of Late Ajay Kumar Sharma Resident of Mohalla-Kasim
Bazar, P.S.-Kasim Bazar, District- Munger.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Additional Chief Secretary, Department of Health, Government of Bihar, Patna.
3. The Additional Chief Secretary, Disaster Management Department, Government of Bihar, Patna
4. The Executive Director, State Health Society, Sheikhpura, Bihar, Patna
5. The Regional Additional Director, Health Services, Bihar, Patna
6. The Divisional Commissioner, Munger.
7. The District Magistrate, Munger.
8. The Civil Surgeon-cum-Member Secretary, Distort Health Society, Munger, Bihar
9. The Sub Divisional Officer, Sadar, Munger
10. The Circle Officer, Munger Sadar, Munger.
11. The City Critical Hospital, Kushwaha Market, Kaura Maidan, Gola Road, Munger through its Director.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Indu Bhushan, Advocate
For the Respondent/s : Mr.Government Pleader (12)

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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 petition, the petitioner has prayed
for the following relief:

“1. That this writ application is directed for



issuance of an appropriate writ in the nature of Mandamus commanding the responsible respondents for a direction considering the representations dated 05.04.2023 (contained in Annexure-P/4 series) written to the Additional Chief Secretary, Disaster Management Department, Bihar, Patna, the Additional Chief Secretary, Department of Health, Bihar, Patna as well as to the District Magistrate, Munger, and also considering Memo No.299 dated 20.03.2023 (contained in Annexure-P/3) issued by under the signature of the District Magistrate, Munger, in which name of husband of the petitioner has been mentioned as Dead person for which allotment was provided, but amount of compensation was not paid to the petitioner as yet and on the very ground that husband of the petitioner namely Ajay Kumar Sharma died during the Covid-19 Pandemic on 21.05.2021 at City Critical Hospital, Munger in course of treatment as her husband has been effected from Covid-19 Pandemic.”

3. The petitioner, widow of Late Ajay Kumar



Sharma, is aggrieved by non-payment of ex-gratia compensation under the Covid-19 compensation scheme, despite her husband's name having been included in the district-level list of Covid-19 deceased persons dated 20.03.2023 for which funds stood allocated, her claim having been repeatedly rejected solely on the ground that the requisite RT-PCR/Antigen/TrueNat test report was not annexed.

4. Learned counsel for the petitioner submitted that the death certificate issued by City Critical Hospital, Munger dated 21.05.2021 specifically records the cause of death as 'Severe Covid-19', and the name of the petitioner's husband figures at serial no.7 of the list approved by the Executive Director, State Health Society dated 24.02.2023, with funds having been allocated for payment vide dated 20.03.2023;

5. The counsel for the petitioner further submitted that letter no.186(11) dated 09.03.2022 issued by the Additional Chief Secretary, Health Department mandates that non-uploading on the Covid-19 portal, or absence of a formal test report, shall not debar the heirs from compensation where reliable evidence of death due to Covid-19 otherwise exists, and rejection solely on the technical ground of an unauthorised/absent test report is arbitrary and contrary to the



said circular.

6. Learned counsel for the State, submitted that upon scrutiny by the three-member District Health Committee, and in compliance with this Court's order dated 25.07.2024, it was found that the requisite Covid-19 test report (RT-PCR/Antigen/TrueNat) was not accompanied with the claim, and the claim was accordingly not approved vide report dated 06.08.2024;

7. The counsel for the state further submits that, the rejection has been made after due re-examination by the competent Committee headed by the Civil Surgeon, Munger, in terms of the guidelines issued by the State Health Society dated 24.02.2023, and the petitioner has failed to make out a prima facie case, hence the writ petition is fit to be dismissed.

8. Having heard learned counsel for the parties and perused the record, it is not disputed that the husband of the petitioner died on 21.05.2021 during the Covid-19 pandemic while undergoing treatment, and that the death certificate issued by the treating hospital itself records the cause of death as severe Covid-19. The sole ground of rejection is the absence of a formal RT-PCR/Antigen/TrueNat test report, without any finding disputing the hospital's own certification of the cause of



death.

9. The Hon'ble Supreme Court in *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 Covid-19 death certificate, or of a formal test report, is not conclusive, and the State cannot deny ex-gratia assistance solely on such technical grounds where other requisite documents establish the claimant's eligibility. In the present case, the treating hospital's own death certificate records the cause of death as severe Covid-19, which constitutes credible corroborative material; rejection of the claim solely for want of a test report, without examining this material, does not accord with the said principle, more so when the deceased's name already stood included in the approved district list with funds allocated for payment.

10. Accordingly, the authorities concerned are directed to reconsider the claim of the petitioner afresh in light of the death certificate and other material on record, treating the same as sufficient corroborative evidence in terms of letter no.186(11) dated 09.03.2022, after affording an opportunity of hearing, within four weeks, and to release Ex-gratia



compensation under the applicable Bihar Covid Sahayata Yojana, 2022 of the state government along with any consequent benefits if found eligible within the period of four weeks thereafter.

11. Accordingly, the present Writ petition stands disposed of on the aforesaid terms.

(Alok Kumar, J)

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AFR/NAFR	N A F R
CAV DATE	25.08.2026
Uploading Date	11.09.2026
Transmission Date	NA

