15-02-2017 Subrata

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction Appellate Side

W.P.No.25972(W) of 2016 Angura Bibi

-VS-

The State of West Bengal & Ors.

Ms. Pritha Bhaumik ...for the petitioner

Mr. Aarindam Sen

Mr. Sandeep Prasad Shaw ...for the State Legal Aid Authority

Mr. Subhabrata Datta

Mr. Sanatan Panjafor the State

The writ petition is at the instance of an acid attacked victim.

Learned advocate for the petitioner submits that the interim compensation has since been received by her client. She seeks a disability certificate and reimbursement of the medical expenses incurred by the petitioner. She relies upon a decision dated November 17, 2010 passed in WP No.26542(W) of 2015 (Rita Pal & Ors. v. The State of West Bengal & Ors.) and submits that similar directions may be issued so far as the petitioner is concerned.

The State authorities and the State Legal Aid Authorities are represented.

In Rita Pal's case (supra) a co-ordinate Bench allowed the petitioners therein to apply before the

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Secretary (Home) with necessary documents in support of their claim and had directed the Secretary (Home) to consider and dispose of such request for reimbursement. So far as the disability certificate is concerned, a direction was issued to the Government hospital for such purpose.

Following the directions issued in Rita Pal's case (supra) it would be appropriate to permit the petitioner to apply before the Secretary (Home) for reimbursement of her medical expenses with all supporting documents and vouchers. In the event such an application is made, the Secretary (Home) is requested to consider and decide the same in accordance with law.

If the Secretary (Home) finds the claim of the petitioner or any portion thereof being payable, he will take steps for disbursement of such claim to the petitioner. It is expected that the Secretary (Home) will dispose of the entire matter within four weeks from the date of making of the application by the petitioner.

So far as the disability certificate is concerned, the Director, SSKM Hospital is requested to constitute an appropriate medical board for considering the grant of a disability certificate, upon request being made for the same by the petitioner, within seven days from the date of receipt of such request. The Director will inform the constitution of the board and the date on which the petitioner has to present herself for examination, to the petitioner. The petitioner will present herself on such date. The petitioner will be entitled to reimbursement of

the expenses for the examination as also the travel expenses that she will incur. The medical board will issue the relevant disability certificate in favour of the petitioner upon examination of her within a fortnight from the date of conclusion of the medical examination.

So far as the other reliefs are concerned, it would be appropriate to permit the respondents to file affidavitin-opposition within four weeks; reply, if any, within a week thereafter.

The writ petition will be treated as ready for hearing on completion of the time period stipulated for filing affidavits. Liberty to mention for final hearing.

Certified website copy of this order, if applied for, shall be given to the parties.

(Debangsu Basak, J)