

**Court No. - 3**

**Case :-** WRIT - C No. - 6729 of 2024

**Petitioner :-** Manju Devi

**Respondent :-** Union Of India , Thru. Secy. ,  
Ministry Of Health And Family Welfare, New Delhi  
And Others

**Counsel for Petitioner :-** Amrendra  
Kumar, Neeraj Kumar Baghel, Piyush Pathak, Priya  
Singh

**Counsel for Respondent :-** A.S.G.I., C.S.C.

**Hon'ble Mrs. Sangeeta Chandra, J.**

**Hon'ble Shree Prakash Singh, J.**

**1.** Heard learned counsel for the petitioner, learned Standing Counsel appearing on behalf of the State Respondents and Sri Umesh Singh, Advocate, who has filed memo of appearance on behalf of the respondent no.1.

**2.** This petition has been filed with the following main prayer:-

*"Issue a writ, order or direction in the nature of mandamus, directing the Opp-Parties to pay compensation for birth of fifth child of the petitioner along with 12% interest on account of failure of vasectomy operation/ surgery (Nasbandi) which was held on 26.08.2019 at Community Health Centre, Machrehta, District Sitapur."*

**3.** It is the case of the petitioner that she had undergone a sterilization operation in the year 2019 to avoid further children, as she already had four children. However, even after undergoing the sterilization operation, she had given birth to a female child on 30.11.2021. She filed an application under the Pariwar Niyojan Indemnity Scheme floated by the National Health Mission at Community Health Centre, Machrehta. The application of the petitioner has not been considered, therefore, this petition has been filed with the aforesaid prayer.

**4.** Learned Standing Counsel, on the basis of instructions dated 05.08.2024 sent by Chief Medical Officer Sitapur, has stated that initially the application/ claim of the petitioner was sent on

16.05.2023 to the Director General Family Welfare under the Pariwar Niyojan Indemnity Scheme, but there were two documents which were missing and, therefore, the claim was not allowed. Later on, a letter has been sent by the Chief Medical Officer Sitapur dated 03.08.2024 to the Superintendent of the Community Health Centre Machrehta Sitapur to remove shortcomings that have been pointed out by the Directorate and to send the claim of the petitioner again for consideration.

**5.** Instructions are kept on record.

**6.** This petition is ***disposed of*** with a direction to the Superintendent of Community Health Centre Machrehta, Sitapur, to send the completed documents along with claim petition to the Chief Medical Officer Sitapur within a period of three weeks from the date a certified copy of this order is produced before him. The Chief Medical Officer, Sitapur shall examine the claim and shall forward it to the Competent Authority within a period of four weeks thereafter.

**Order Date :- 8.8.2024**

Rahul