



WP(MD) No.13585 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.13585 of 2022

N.Arputha Theodore

... Petitioner

Vs.

1.The Chief Educational Officer

Tirunelveli,

Tirunelveli District.

2.The District Educational Officer

Valliyoor Educational District,

Tirunelveli District.

3.The Director,

Medical and Rural Health Services and Family Welfare Office,

Tirunelveli District.



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4.The District Level Empowered Committee,
The District Collector,
Tirunelveli District,
Tirunelveli.

5.The Joint Director,
Medical and Rural Health Services and Family Welfare Office,
Tirunelveli.

6.The Treasury Officer,
District Treasury,
Tirunelveli.

7.The Organizer,
United India Insurance Corporation,
Palayamkottai,
Tirunelveli.

...Respondents

(R4 to R7 are impleaded Vide Court Order

Dated 08.09.2022 in WMP(MD)No.15554/2022)

Prayer : Writ Petition filed under Article 226 of the Constitution of
India, praying this Court to issue a Writ of Mandamus to direct



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respondents to consider the petitioner's representation dated 26.03.2022 by disbursing the medical expenditure incurred by the petitioner.

For Petitioner : Mr.K.Rajeshwaran

For Respondents : Mr.M.Siddharthan - for R1 to R6

Additional Government Pleader

Mr.A.Shajahan – for R7

ORDER

The present writ petition has been filed seeking a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 26.03.2022 by disbursing the medical expenditure incurred by the petitioner.

2. Heard Mr.K.Rajeshwaran, learned counsel for the petitioner, Mr.M.Siddharthan, learned Additional Government Pleader appearing for the respondents 1 to 6 and Mr.A.Shajahan, learned counsel appearing for the seventh respondent.



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3. The petitioner is suffering from Myeloma Cancer, for which, he has taken treatment at KIMS hospital, Thiruvananthapuram, for the period from 12.09.2020 to 19.10.2020 and incurred an expenditure of Rs.5,96,249/-. The petitioner's claim for reimbursement under the Medical Reimbursement Scheme and the same has not been considered so far. The petitioner has filed this writ petition seeking a direction to consider the petitioner's representation, dated 26.03.2022 for disbursing the medical expenditure.

4. The learned Additional Government Pleader for the respondents 1 to 6 submitted that the petitioner has taken treatment at the hospital outside the State of Tamil Nadu. It is further submitted that as per the Medical Life Insurance Scheme, maximum limit for availing reimbursement would be only Rs.4,00,000/- for surgical treatment. It is further stated that the petitioner had taken



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treatment in a private hospital, even though the facilities are available in Government Medical College Hospital.

5. The fact remains that the petitioner was suffering from Myeloma Cancer which is a serious disease and it also requires urgent treatment. Since the petitioner is residing at Valliyoor, which is nearby to Thiruvananthapuram, has opted to take treatment at KIMS hospital. If emergent treatment has been taken even in the non-network hospital, the medical reimbursement has been allowed considering the urgency and seriousness of the medical condition. However, in the instant case, the respondent has not taken up the claim for medical reimbursement to pass any orders.

6. The option of the petitioner to take treatment in a private hospital cannot be the reason for rejecting the petitioner's claim even though the petitioner is covered under the scheme for



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reimbursement. However, in respect of other eligibility criteria, it is for the respondent authorities to take a call and consider the same and pass orders.

7. In the result, this Writ Petition is disposed of with a direction to the respondents to consider the claim of the petitioner and pass orders within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

04.06.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
RM



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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.13585 of 2022

Dated:
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