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W.P No.16129 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2025

CORAM

THE HONOURABLE MR. JUSTICE C. KUMARAPPAN

Writ Petition No.16129 of 2025

K.Kalaiselvi

... Petitioner

..Vs..

1.The Director of Elementary Education,
O/o.Director of Elementary Education,
DPI Campus, College Road,
Chennai – 600 006.

2.The Block Educational Officer,
O/o. Block Education Office,
Panaimarathupatty Union,
Salem District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus to call for the records pertaining to the impugned proceedings of the 2nd respondent vide Na.Ka.No:590/A2/2022 dated 16.02.2024 passed in consequence to the 1st respondent's proceedings Na.Ka.No.034132/C3/2022 dated 01.12.2023 and quash the same and in consequence to that direct the respondents to disburse the medical claim of reimbursement i.e., a sum of Rs.3,64,103/- together with permissible interest.

For Petitioner : Mr.K.Anbarasan

For Respondents : Mrs.S.Mythreye Chandru,
Special Government Pleader



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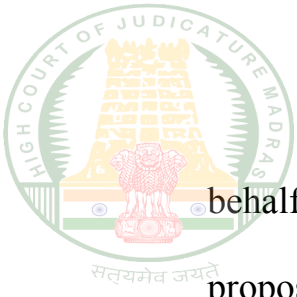
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ORDER

The instant writ petition has been filed challenging the rejection order passed by the 2nd respondent vide order dated 16.02.2024 by and in which, the petitioner's claim for reimbursement was rejected.

2. The learned counsel appearing on behalf of the petitioner would submit that the petitioner has spent a sum of Rs.3,64,103/- by way of treatment for her husband's ailment at G.Kuppusamy Naidu Memorial Hospital, Coimbatore. It is the submission of the learned counsel for the petitioner that from 2022, many times the petitioner's husband has been admitted in the hospital and was given treatment. However, the reimbursement was rejected on the ground that certain rules have not been followed. The learned counsel for the petitioner would also submit that taking of treatment in non-network hospital cannot be a ground to reject the medical reimbursement by referring the Division Bench Judgment of this Court in W.P.(MD).No.25304 of 2018, dated 05.12.2023. Hence prayed to interfere with the impugned order.

3.Per contra, the learned Special Government Pleader appearing on



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behalf of the respondents would vehemently contend that the petitioner's proposal was considered by the 2nd respondent vide letters dated 26.07.2022 and 16.08.2022 and the same has been forwarded to the District Education Officer and in pursuance thereof, the District Education Officer submitted an application before the Director of Medical Health on 06.04.2023. The Director of Medical Health has rejected the petitioner's request on the following grounds:

“a) the treatment was not urgent,

b) treatment facilities are available at Rajiv Gandhi Government hospital,

c) the treatment is said to be a non-emergency as per Rule 10(e) of the Medical Attendance Rules and can be treated as medical treatment.”

4. It is the further submission of the learned Special Government Pleader that, by virtue of the Government Letter dated 01.06.2021, if there is any grievance in respect of rejection, then, the petitioner has to approach the Tamil Nadu Medical Attendance Rules and Reimbursement Medical Claims as indicated under the Tamil Nadu Medical Attendance Rules. Hence prayed to



dismiss the writ petition.

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5. I have given my anxious consideration on either side submissions.

6. While looking at the submissions of the learned Special Government Pleader, the rejection of the petitioner's claim is only upon the three grounds. However, in a similar circumstances, when the individual has taken treatment in a non-network hospital, this Court, has directed that the same cannot be a ground to reject for reimbursement. In this case, though, rejection is not referring about the non-network hospital, it was stated that the treatment is not urgent and the facility is available before the Rajiv Gandhi Government Hospital. But, as a matter of fact, it is not the case of the respondents that, such claim made by the petitioner is exaggerated or *mala fide*.

7. While looking at the averment's of the petitioner, her husband was suffering from Cancer, and according to the Doctor's advice, he has taken treatment at G.Kuppusamy Naidu Memorial Hospital, Coimbatore between the period 23.03.2022 – 29.03.2022. The said hospital is one of the renowned hospital at Coimbatore. The Hon'ble Division Bench has categorically held



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that taking treatment in non-net work hospital is not fatal. Further in the case on hand, though the Government Hospital has such treatment facility at Chennai, the very treatment at Coimbatore hospital, cannot be faulted as the patients confidence over the hospital also a vital factor to get treatment.

8. In such view of the matter, considering the nature of ailments suffered by the petitioner's husband and also on the basis of the Division Bench Judgment of this Court in W.P.(MD).No.25304 of 2018, dated 05.12.2023, this Court is of the indubitable opinion that, the impugned rejection order vide letter dated 16.02.2024 is illegal, hence, the same is ordered to be quashed. As a consequence, this Court deems it appropriate to direct the respondents in coordination with the Joint Director of Health, to pay the sum of Rs.3,64,103/- (Rupees Three Lakhs Sixty Four Thousand One Hundred and Three only) as a medical reimbursement to the petitioner, within a period of three (3) months from the date of receipt of a copy of this order.

9. In the result, the writ petition is allowed to the extent indicated above. The impugned letter dated 16.02.2024 is quashed. No costs.



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Index : Yes

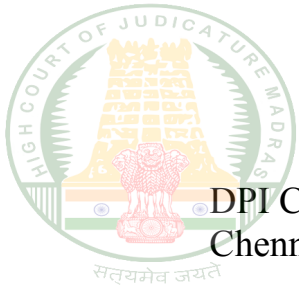
Speaking Order : Yes /No

Neutral Citation Case: Yes/No

To:

1.The Director of Elementary Education,
O/o.Director of Elementary Education,

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DPI Campus, College Road,
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C. KUMARAPPAN, J.

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