



W.A.(MD)No.27 of 2018

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

WEB COPY

DATED : 25.08.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN  
and  
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A.(MD)No.27 of 2018**

1.I.Yesudhas (Died)

*(Cause title is amended vide order dated  
25.08.2025 in W.P.(MD)No.5015 of 2015 by  
GRSJ & KRSJ).*

2.Y.A.Shini

... Appellants

Vs.

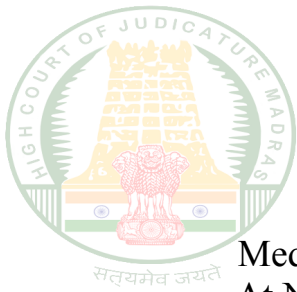
1.State of Tamil Nadu,  
Rep. by the Secretary to Government,  
School Education Department,  
Secretariat, Fort St. George,  
Chennai.

2.The District Educational Officer,  
Office of the District Educational Officer,  
Kuzhithurai, Marthandam P.O.,  
Kanyakumari District.

3.The Chief Educational Officer,  
Office of the Chief Educational Officer,  
At Nagercoil, Kanyakumari District.

4.The Joint Director,  
Medical and Rural Health Services,

1/8



W.A.(MD)No.27 of 2018

WEB COPY

Medical and Rural Development,  
At Nagercoil.

5.The United India Insurance Company Ltd.,  
Third Party Administration,  
The New Health Insurance Scheme 2012  
of Government of Tamil Nadu,  
Chennai.

...Respondents

**PRAYER:** Writ Appeal is filed under Clause 15 of the Letters Patent Act, to allow the appeal and set aside the order of the learned Judge of this Court in W.P.(MD)No.5090 of 2015 dated 27.02.2017.

For Appellants : Mr.S.Titus

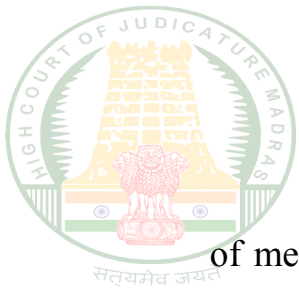
For Respondents : Mr.C.Venkateshkumar,  
Spl. Government Pleader for R1 to R4.  
Mr.A.Shajahan for R5

**JUDGMENT**  
**(By G.R.SWAMINATHAN, J.)**

Heard both sides.

2.The unsuccessful writ petitioners are the appellants herein. They are none other than the husband and daughter of one Alphonse. She was working as a School Teacher. She suffered a health breakdown while in harness in the year 2012. She had to be admitted to hospital and the cost

2/8



**W.A.(MD)No.27 of 2018**

of medical treatment was around Rs.25,00,000/-. She also passed away on 23.08.2015. Since she was covered by the New Health Insurance Scheme, 2012 floated by the government, the writ petitioners sought medical reimbursement. The request was rejected by the fourth respondent vide proceedings dated 21.03.2013 and 24.02.2015. Challenging the same, W.P.(MD)No.5090 of 2015 was filed. The learned Single Judge disposed of the writ petition on 27.02.2017 in the following terms:-

*“9.Accordingly, this writ petition is allowed and the impugned order dated 04.10.2016 is hereby set aside. The concerned respondent, namely, the 1<sup>st</sup> respondent is directed to sanction the medical expenses incurred by the petitioner/employee/petitioner, as per the eligibility criteria in terms of the amount under the Scheme along with interest @ 9% p.a. without standing on technicalities and release the eligible amount within a period of two months from the date of receipt of a copy of this order.”*

Aggrieved by the same, this writ appeal has been filed.

3.Though the order of the learned Single Judge gives an impression as if the writ petitioners have been granted relief, actually it is



**W.A.(MD)No.27 of 2018**

not so. The learned Single Judge stated that the writ petitioners should be paid as per the terms of the scheme. The learned Single Judge had given such a direction because the appellants were not paid even a single paisa towards reimbursement. It is seen that Alphonse suffered health breakdown on 14.09.2012 and was admitted in Kims Hospital, Trivandrum on the said date. It is true that Kims Hospital, Trivandrum is not a network hospital. Therefore, the insurance company was probably justified in declining to pay the cost of treatment incurred in the said non-network hospital. However, Alphonse was discharged from Kims Hospital subsequently and had taken treatment mostly in Kanaykumari Medical Mission C.S.I Hospital, Marthandam. It appears that very substantial amount was paid by the appellants only to the said hospital. The said hospital appears to be a network hospital.

4.We, therefore, permit the second appellant to submit a fresh application to the fifth respondent setting out all the details and enclosing all the relevant materials. If the fifth respondent is satisfied that the second appellant's mother / Alphonse had taken treatment in a network hospital during the relevant time, reimbursement to the second appellant



**W.A.(MD)No.27 of 2018**

to the tune of Rs.4,00,000/- shall be paid by the fifth respondent. In any event, the fifth respondent shall pass a speaking order on the application to be submitted by the second appellant within a period of eight weeks thereafter. If the second appellant is still aggrieved by the same, it is open to the second appellant to file an appeal before first respondent. The government shall also consider the case of the second appellant as per Tamil Nadu Medical Attendance Rules.

5.This writ appeal is disposed of accordingly. No costs.

**(G.R.S. J.) & (K.R.S. J.)**  
**25.08.2025**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
ias



**W.A.(MD)No.27 of 2018**

WEB COPY

To:

- 1.The Secretary to Government,  
School Education Department,  
Secretariat, Fort St. George,  
Chennai.
- 2.The District Educational Officer,  
Office of the District Educational Officer,  
Kuzhithurai, Marthandam P.O.,  
Kanyakumari District.
- 3.The Chief Educational Officer,  
Office of the Chief Educational Officer,  
At Nagercoil, Kanyakumari District.
- 4.The Joint Director,  
Medical and Rural Health Services,  
Medical and Rural Development,  
At Nagercoil.



WEB COPY



**W.A.(MD)No.27 of 2018**



WEB COPY



**W.A.(MD)No.27 of 2018**

**G.R.SWAMINATHAN, J.**  
**and**  
**K.RAJASEKAR, J.**

ias

**W.A.(MD)No.27 of 2018**

**25.08.2025**  
**(3/3)**