



## A. Arul v. State of Tamil Nadu

Writ Petition No.496 OF 2005

**Country:** India

**Region:** Asia

**Year:** 2009

**Court:** High Court - Madras

**Health Topics:** Health care and health services, Health systems and financing, Hospitals

**Human Rights:** Right to health, Right to life

### Facts

A. Arul, the Petitioner, was a government employee who incurred medical expenses as a result of surgery for his wife. The Petitioner had previously contributed to the Government Employees Health Fund, which was set up to extend grants to remedies not available in the government hospital. The State of Tamil Nadu and others Respondents, failed to reimburse the required 75% of the medical expenses as submitted by the Petitioner.

The Petitioner filed a complaint in the "District Consumer Redressal Forum" which was rejected on the ground that government authorities were not covered under consumer laws. He, therefore, filed the petition in the Madras High Court under Article 226 of the Constitution (original writ jurisdiction of High Courts). The issue before the Court was whether the Petitioner was entitled to the reimbursement along with 18% interest from the date of the surgery.

### Decision and Reasoning

As to whether there was an obligation on the Respondent to reimburse medical bills, the Court held that where a government employee requires treatment at an approved private hospital and on reference, "it is but the duty of the State to bear the expenditure incurred" by the employee. The Court further held that the right to health was an integral part of the right to life under Article 21 and therefore the State is under a constitutional obligation to provide health facilities.

As to relief, the Court directed that within two months of the order the Respondent should reimburse the required 75% of the expenses submitted by the Petitioner. It also awarded interest at the rate of 12% from the date the request for reimbursement was submitted.

### Decision Excerpts

"It is well settled by a catena of decisions of the Hon'ble Apex Court that the right to health is a fundamental right under Article 21 of the Constitution of India...it is now settled law that right to health is integral to the right to life. Government has a constitutional obligation to provide health facilities." Para. 15.