



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 3491/2023

CNR: RJHC020144502023 | URN: CW / 6547U / 2023

Anupama Prasad W/o Dr. Ganga Prasad D/o Late Dr. Jagdish Prasad Srivastava, aged about 51 years, R/o B-2 Type-6, Tower-7 Kidwai Nagar (East) New Delhi And 5/98 SFS Agarwal Farm Mansarovar Jaipur

-----Petitioner

Versus

1. State of Rajasthan, through The Principal Secretary to Government, Department of Higher Education, Government of Rajasthan, Government Secretariat Jaipur
2. University of Rajasthan, JLN Marg, Jaipur Through Its Registrar
3. Deputy Registrar (Accounts & Finance), University of Rajasthan, JLN Marg, Jaipur

-----Respondents

For Petitioner(s) : Mr. Laxmi Kant Sharma
Mr. Jeetram Choudhary
Ms. Madhavi Vyas
For Respondent(s) : Mr. P.S. Tomar

HON'BLE MS. JUSTICE REKHA BORANA

Order

27/07/2026

1. The present writ petition has been filed with a prayer for reimbursement of medical claim qua the treatment of the petitioner's father who was hospitalized during COVID-19 pandemic.
2. The brief facts of the case are that the petitioner's father superannuated on 31.10.2000 from the post of 'Associate Professor' with Zoology Department of the University of Rajasthan. He remained hospitalized in different hospitals in Delhi (including



AIIMS and Sri Gangaram Hospital) during COVID-19 pandemic and ultimately succumbed to prolonged illness on 18.11.2021.

3. The Petitioner raised medical reimbursement claim for Rs. 8,90,000/- on 27.07.2022 but the respondent University rejected the claim vide letter dated 17.08.2022 on the ground that the treatment was taken in non-recognized hospital outside State.

4. As per the reply filed by the respondents, the petitioner's claim is not admissible for the following reasons:

Firstly, no documentary evidence has been submitted by the petitioner to establish that her father was suffering from COVID-19, rather, the documents placed on record indicate that he was admitted to the Urology Department for treatment of a urinary stone and other age-related ailments;

Secondly, the petitioner failed to demonstrate that the requisite treatment was unavailable within the State of Rajasthan or that his father had been referred to the concerned hospital by SMS Hospital on the recommendation of the Medical Board;

Thirdly, it is not petitioner's case that there was an emergent situation because of which her father was admitted in the nearest hospital.

5. Heard learned counsels for the parties and perused the material available on record.

6. It is the settled position of law that reimbursement for treatment taken by an employee cannot be denied on the ground that it was taken in a non-recognised hospital. This Court in **Rama Prasad Sharma Vs. State of Rajasthan & Ors.; S.B. Civil Writ Petition No.7469/2016** (decided on 21.01.2022) held as under:



"It is now a settled position of law that even in cases where the treatment of an employee has been taken in a non-recognised hospital, the medical reimbursement has to be made at the rate that may be applicable for similar treatment in the recognized government hospitals."

7. So far as the ground of emergent situation is concerned, Hon'ble the Division Bench in ***State of Rajasthan & Ors. Vs. Tikam Chand Maloo; D.B. Special Appeal Writ No. 1124/2015*** (decided on 15.05.2018) held as under:

"it is obvious that this Court took view that in an emergent situation, if the Govt. employee took treatment outside the State that too in unrecognized hospital, as per Rules then also, he is entitled for reimbursement of the medical expenses which are scheduled under the Rules."

8. A bare perusal of the record reflects that the petitioner's father was admitted to and underwent treatment at various hospitals in Delhi during the COVID-19 pandemic. It is an universally accepted fact that during unprecedented COVID-19 pandemic, the immediate availability of medical care was of paramount importance. It was the period when patients were compelled to seek treatment at the nearest available hospital, irrespective of the fact whether such hospital was recognised or outside State, owing to the then prevailing circumstances. The denial of reimbursement of the medical expenses by the respondent-Department on the ground of



the treatment having been taken in a non-recognised hospital and that there was no emergent condition, cannot be sustained in law.

9. In view of the ratio as laid down in **Rama Prasad Sharma** (supra) and **Tikam Chand Maloo** (supra), and in view of the observations as made above, this Court is of the clear opinion that the petitioner is entitled to the reimbursement of his medical claim to the extent as permissible in terms of the Rajasthan Civil Services (Medical Attendance) Rules, 2008 or in terms of the Rules as applicable to the employees of the respondent University.

10. The present writ petition is hence, **allowed**. The respondent-Authorities are directed to reimburse the medical claim of the petitioner to the extent the same is permissible in terms of the Rules as applicable. The said reimbursement be made within a period of four weeks from the date of receipt of the present order. It is made clear that the reimbursable amount shall carry interest @ 6% per annum.

11. Stay petition and pending application(s), if any, stand **disposed of**.

(REKHA BORANA),J