

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

(Special Original Jurisdiction)

**THURSDAY, THE NINTH DAY OF APRIL
TWO THOUSAND AND TWENTY**

PRESENT

THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE SRI JUSTICE T AMARNATH GOUD

WP(PIL) NO: 58 OF 2020

Between:

Sri. P. Thirumala Rao, Advocate Enrolment No. (AP/423/2000) Advocate Code - 8365 Mobile - 9440553070 Email id - puliyainatlairugyakoo.co.in

...Petitioner

AND

1. Union of India, rep. by its Secretary Department of Medical and Health, Central Secretariat, New Delhi.
2. Indian Council of Medical Research (ICMR), COVID-2019, New Delhi.
3. State of Telangana, Rep. by its Chief Secretary, Secretariat, Hyderabad.
4. State of Telangana, Represented by its Principal Secretary, Medical and Health Department, Secretariat, Hyderabad.
5. The Director of Medical and Health, Government of Tetangana, Koti, Hyderabad.

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or Orders more particularly, one in the nature of a Writ of Mandamus to call for remarks from the Respondents herein relating to and in connection with Government imposing charges For COVID-2019 test on patients in this lockdown circumstances by private laboratories upto Rs.4,500/- is grossly arbitrary and discriminatory which would Frustrate and defeat the very purpose and objective of the Government and the Governments (both Central and State) ought to assure and undertake the Full responsibility of providing to the citizens, the treatment For COVID-19 CORONA VIRUS Free of cost at private medical laboratories and private medical establishments and to call for a status report on the diagnostic tests undertaken and treatment of COVID-19 patients and especially on the hygiene conditions in Hospitals which are treating COVID-19 patients, from the concerned authorities and to direct the Union of India and the State of Telangana to provide for diagnosis and treatment to patients suffering from CORONA VIRUS, Free of cost at private medical laboratories and private medical establishments

This petition coming on for hearing, upon perusing the petition and the affidavit filed in support thereof and upon hearing the Arguments of Sri P. Thirumala Rao, Party in person and of Sri Namavarapu Rajeshwar Rao, Assistant Solicitor General on behalf of Respondent No. 1 & 2 and of Advocate General on behalf of Respondent Nos. 3 to 5, the Court made the following

ORDER

“This Court had received a letter dated 29.03.2020, submitted by Mr. P. Tirumala Rao, advocate, wherein Mr. Tirumala Rao prayed that a direction be issued to the State of Telangana to provide for diagnostic tests and for treatment of the persons suffering from COVID-19 free of cost at private medical laboratories, and private medical establishments.

The learned Assistant Solicitor General is directed to accept notice on behalf of respondents 1 and 2, and the learned Advocate General is directed to accept notice on behalf of respondents 3 to 5.

Today, the learned Advocate General, as well as the Assistant Solicitor General submit that in the case of Shahank Deo Sudhi v. Union of India (Writ Petition (Civil) Diary No.10816 of 2020), the Hon'ble Supreme Court, vide its order dated 08.04.2020, has already directed that the tests related to COVID-19 whether in approved laboratories, or approved private laboratories, shall be free of cost. The Apex Court has further directed that the respondents therein shall issue necessary directions in the said regard immediately.

Therefore, according to both the learned Counsel, part of the prayer, made by Mr. Tirumala Rao, has already been granted by the Apex Court.

However, Mr. Tirumala Rao submits that while diagnostic part has been covered by the aforementioned order passed by the Apex Court, the issue with regard to treatment of the patient in the private hospital establishments still exists. According to him, the IRDAI has already issued a circular directing the Insurance Companies to treat COVID-19 as 'a disease' to be covered under the medical insurance policies. Therefore, the segment of population, which already has medical insurance policies, would be covered by the Insurance Companies. However, the issue with regard to the treatment of those persons who do not have the benefit of such medical insurance policies, would continue to exist.

Therefore, this Court directs both the learned Advocate General, as well as the Assistant Solicitor General, to inform this Court whether the treatment of those persons who are not covered by medical insurance policies, whether bills of their treatment would be covered by any of the schemes floated by the Central, or the State Government, or not? If they are covered by such Central, or State Government schemes, the particular scheme under which they would be covered should be informed to this Court.

List this case on 17.04.2020."

SD/- THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
Sd/-SRI JUSTICE T AMARNATH GOUD

//TRUE COPY//


REGISTRAR (JUDICIAL) 09/04/20


SECTION OFFICER

To,

1. The Secretary, Department of Medical and Health, Union of India, Central Secretariat, New Delhi.
2. The Indian Council of Medical Research (ICMR), COVID-2019, New Delhi.
3. The Chief Secretary, State of Telangana, Secretariat, Hyderabad.
4. The Principal Secretary, Medical and Health Department, State of Telangana, Secretariat, Hyderabad.
5. The Director of Medical and Health, Government of Tetangana, Koti, Hyderabad.
6. One CC to Sri P Thirumala Rao, Advocate [OPUC]
7. Two CC to Advocate General, High Court, Hyderabad(OUT)
8. One CC to Sri Namavarapu Rajeshwar Rao, Assistant Solicitor General [OPUC]
9. Two spare copies

HIGH COURT

HCJ
&
TAJ

DATED: 09/04/2020

NOTE: LIST ON 17.04.2020

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ORDER

WP(PIL).No.58 of 2020

DIRECTION

