

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD
WRIT PETITION NO.2781 OF 2014

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
--	---------------------------

Mr.H.F.Pawar, advocate for the petitioner
Mr.K.G.Patil, Addl.Govt. Pleader for the State.

**CORAM : S.V.GANGAPURWALA &
V.K.JADHAV, JJ.**
Date : 27.07.2015.

PER COURT :

1. Heard.
2. Mr.Pawar, learned counsel for the petitioner submits that while passing the order dated 16.8.2013, thereby directing the petitioner to deposit the amount of Rs.1,50,000/- (Rupees one lac fifty thousand) taken by the petitioner as an advance towards the Medical expenditure of his mother. The Education Officer has not considered the factum of sterilisation of the wife of the petitioner. Rule 15 of the Maharashtra State Services (Medical Attendance) Rules, 1961 has been amended and as per amended Rule 15, after the sterilisation the benefit of medical reimbursement is available and only qualification is that the child born beyond the permissible limit would not be entitled for the benefit. The said amendment has been incorporated after 1.3.2000. The wife of the petitioner has

undergone the Family Planning operation on 25.1.2002. The said certificate is also not considered.

3. Mr.Patil, learned Addl. Govt. Pleader states that considering the number of children and the child born after the cut off date, the order is rightly passed.

4. We have considered the submissions canvassed by the learned counsel for the respective parties. We have also perused the order. The order impugned, nowhere considers the sterilisation operation of the petitioner's wife nor considers the amended provision to Rule 15 of the Maharashtra State Services (Medical Attendance) Rules, 1961. The Education Officer was expected to consider the said Rule as amended.

5. In light of the above, the impugned order is quashed and set aside. The Respondent Education Officer shall reconsider the aspect about medical reimbursement and its claim towards refund of the said amount afresh by considering the certificate of Family Planning operation of the wife of the petitioner, so also amended Rule.

6. The petitioner is at liberty to represent himself before the Respondent No.4.

7. The Writ Petition is disposed of. No costs.

(V . K . JADHAV , J .)

(S . V . GANGAPURWALA , J .)

Dt.27.07.2015.

asp/office/wp2781.14