

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5355 OF 2016

Kantabai W/o Sahebrao Jondhale,
age : 48 years, Occu.: Household,
R/o Parvati nagar, Hudco,
Jaikwadi Road, Parbhani

PETITIONER

VERSUS

1. The State of Maharashtra,
Through it's Secretary,
Higher Education & Technical Dept.,
Mantralaya, Mumbai – 32
2. The Divisional Joint Director
(Education), (Higher Education),
Nanded Division,
Nanded
3. Shivaji College of Arts,
Science & Commerce,
Parbhani, Dist. Parbhani

RESPONDENTS

Mr. P.C. Mayure, Advocate for the Petitioner
Mr. P.N, Kutti, A.G.P. for respondent nos. 1 and 2

**CORAM : S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.**

DATE : 9th AUGUST, 2016

PER COURT :

Heard the learned counsel for the petitioner
and the learned A.G.P. for respondent nos. 1 and 2.

2. We have carefully perused the contents of the

impugned letter dated 18th December, 2014, written by the Administrative Officer in the office of the Joint Director of Higher Education, Nanded Region, Nanded, to the Principal, Shri Shivaji College, Parbhani. It appears that by raising the technical plea that the bills are not submitted within the prescribed time, the legitimate claim of the petitioner which is based upon the circular/Government policy for reimbursement of the medical bills, has been rejected by the respondents.

3. The learned counsel appearing for the petitioner submits that initially, the husband of the petitioner was admitted in the hospital on 5th October, 2013 and was discharged on 24th October, 2013 and thereafter, again he was admitted in another hospital on 24th October, 2013 and ultimately, died on 26th November, 2013. According to the learned counsel for the petitioner, the medical bills for reimbursement thereof were submitted within one year from the date of death of her husband i.e. 26th November, 2014.

4. As already observed, the claim of the petitioner for reimbursement of the medical bills could not have been rejected by the respondents on the ground

of delay when the claim for reimbursement of the medical bills was submitted on 26th November, 2014. We, therefore, hold that the proposal/claim for reimbursement of the medical bills was submitted by the petitioner within the time and even if there is delay of one day, the same stands condoned.

5. We direct respondent No. 3 to resubmit the medical bills for reimbursement to respondent No. 2 as expeditiously as possible; however, within a period of two weeks from today. Upon receiving the said proposal/claim for reimbursement of the medical bills, respondent No. 2 shall take the decision thereon and if the bills are in conformity and the petitioner is entitled for the same, disburse the same to the petitioner as expeditiously as possible; however within six weeks from the date of the decision. Respondent Nos. 2 and 3 are directed to complete the entire exercise within a period of eight weeks from today.

6. We make it clear that respondent No.2 shall not raise the technical ground/s and reject the claim/proposal for reimbursement of the medical bills.

7. The writ petition stands disposed of in the above terms.

8. The parties to act on authenticated copy of this order.

9. The learned A.G.P. assures this Court that this order will be communicated to respondent Nos. 2 and 3 through the office of the Government Pleader by the fastest mode of communication.

[SANGITRAO S. PATIL]
JUDGE

[S.S. SHINDE]
JUDGE

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