

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3627 OF 2017

Manohar Bandu Gajre

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri Satyajit S. Bora, Advocate for the Petitioner.

Mrs. A. V. Gondhalekar, Addl. G. P. for Respondent Nos. 1 to 3.

Shri Pratik P. Kothari, Advocate for Respondent No. 4.

WITH

WRIT PETITION NO. 7693 OF 2017

Yograj Sukdeo Mahajan

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri Satyajit S. Bora, Advocate for the Petitioner.

Mrs. A. V. Gondhalekar, Addl. G. P. for Respondent Nos. 1 to 3.

Shri Pratik P. Kothari, Advocate for Respondent No. 4.

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATE : 11th April, 2018

PER COURT :

1. The petitioners are Assistant Teachers in schools run by Municipal Councils. The petitioners have submitted bill for medical reimbursement. The same are not sanctioned. Aggrieved thereby the present petitions.

2. Mr. Bora, learned counsel for the petitioners submits that Government Resolution dated 20th February, 2009, provides the facility of medical reimbursement. Thereafter, the Government Resolution dated 15th July, 2016, only enhanced the limit of the sanctioning authority. The learned counsel submits that, this court in Writ Petition No. 3193 of 2013 under the Judgment dated 22nd January, 2016, has considered the applicability of the Government Resolution dated 20th February, 2009, and has given benefit to the petitioner therein.

3. The learned Additional Government Pleader submits that the Government Resolution dated 20th February, 2009, is superseded by the Government Resolution dated 15th July, 2016. The petitioners are Assistant teacher in secondary school run by Municipal Council and the Government Resolution dated 15th July, 2016, only applied to the members of the teaching and non teaching staff of primary school.

4. The Government Resolution dated 20th February, 2009, applied to the members of the teaching and non teaching staff of Municipal Corporation / Municipal Council primary and

secondary schools. It only states that up to Rs.40,000/- the powers to sanction the bill vests with administrative officer of the concerned Municipal Corporation / Municipal Council and the bills above Rs. 40,000/-can only be sanctioned by the Secretary of the concerned department. The Government Resolution dated 15th July, 2016, is applicable only to the primary teachers and the Government Resolution dated 20th February, 2009, would be deemed to be superseded to the extent of primary teachers and with regard to the powers to sanction the bill.

5. The scheme of providing medical reimbursement to the teachers of the secondary schools run by the Municipal Council / Municipal Corporation would still subsist, as has been considered by this court in its order dated 22nd January, 2016, in Writ Petition No. 3193 of 2013. So also, similarly situated employee has been given relief in Writ Petition No. 10369 of 2015 dated June 09, 2016.

6. In the light of above, the impugned orders rejecting the medical bills submitted by the petitioners are quashed and set

aside. The respondent shall reconsider the medical bills submitted by the petitioners. In case the amount is more than Rs.40,000/-, the decision shall be taken by the Secretary of the Department and in case the amount is below Rs.40,000/-, the same decision can be taken by the Administrative Officer of the concerned Municipal Council / Municipal Corporation. The same shall not be rejected only on the ground that the scheme of medical reimbursement is not applicable. The respondent may take other aspects into consideration. The same shall be decided expeditiously and preferably within four (4) months.

7. The writ petitions accordingly stand disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

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