

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12710 OF 2017

Anil Laxman Wadhe

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri Satyajit S. Bora, Advocate for the Petitioner.

Shri A. S. Shinde, A.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 : 18th April, 2018

PER COURT :

1. The claim for medical reimbursement is rejected. The petitioner is a employee of Municipal High School and Junior College, Faijpur. The petitioner is a member of the non teaching staff. The claim of the petitioner is rejected on the ground that he is an employee in the establishment of Municipal Council and the employees in the establishment of Municipal Council are not entitled for benefit of medical reimbursement.

2. We have heard the learned counsel for the petitioner and the learned Assistant Government Pleader.

3. The learned counsel for the petitioner relies on the Judgment of the Division Bench of this court at Nagpur in Writ Petition No. 162 of 2016 dated 30th August, 2016, and contends that since 12th May, 1989, the scheme of medical reimbursement to employees of Municipal Council school is in vogue.

4. Considering the above, we set aside the impugned order. The respondent - authority shall re-consider the proposal seeking medical reimbursement to the petitioner in tune with the Judgment delivered at Nagpur in Writ Petition No. 162 of 2016 dated 30th August, 2016, and considering the Government Resolution dated 12th May, 1989. The respondent – authority shall also consider the Government Resolution dated 20th February, 2009.

5. The writ petition accordingly stands disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]