

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY BENCH AT
AURANGABAD**

WRIT PETITION NO. 10869 OF 2017

Vasant s/o Pitambar Sultane

..Petitioner

Versus

The State of Maharashtra and ors.

..Respondents

Mr Amol Chalak, Advocate h/f Mr S.P. Rathod, Advocate for petitioner
Mrs V.N. Patil Jadhav, A.G.P. for respondents no.1 to 4
Mr G.V. Wani, Advocate for respondent no.5
Mr D.A. Madake, Advocate for respondent no.6

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 17th April, 2018

PER COURT :

1. The petitioner is Assistant Teacher in school run by Municipal Council. The petitioner has submitted bill for medical reimbursement. The same is not sanctioned. Aggrieved thereby the present petition.

2. Mr. Amol Chalak, learned counsel for the petitioner 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 The learned Additional Government Pleader submits that the Government Resolution dated 20th February, 2009, is superseded by the Government Resolution dated 15th July, 2016.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 petitioner is Assistant teacher in secondary school and Junior College 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applicable only to the primary teachers and the Government Resolution dated 20th February, 2009 would be deemed to be superseded to the extent of primary teachers and with regard to the powers to sanction the bill.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 order rejecting the medical bills submitted by the petitioner is quashed and set aside. The respondent shall reconsider the medical bills submitted by the petitioner. 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 petition accordingly stands disposed of. No costs.

(A. M. DHAVAL, J.)

(S. V. GANGAPURWALA, J.)

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