

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1028 WRIT PETITION NO. 13631 OF 2024

SHITAL ABHIMANYU KADAM
VERSUS
THE STATE OF MAHARASHTRA THROUGH CHIEF
SECRETARY AND OTHERS

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Mr. S.S. Tope, Advocate for the petitioner.
Mr. D.R. Korade, A.G.P. for respondent Nos.1 to 3.
Mr. B.N. Gadegaonkar, Advocate for respondent No.6.

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CORAM : R.G. AVACHAT AND
SANDIPKUMAR C. MORE, JJ.

DATED : 23 APRIL 2025

P.C. :

1. Heard.
2. This petition under Article 226 of the Constitution of India is filed for the following main reliefs.

“B) This Hon’ble Court, by issuing the writ of certiorari or any other writ in the like nature, may kindly quash and set aside the impugned letter dated 05/07/2024 (Exh-C) issued by the Res. No.05 i.e. Education Officer (Primary) Zilha Parishad Nanded thereby returned the proposal submitted by the petitioner for the medical reimbursement of the medical bills of her deceased husband.

C) This Hon’ble Court, by issuing the writ of mandamus or any other writ in the like nature,

may kindly direct to the State Government authorities and specifically Res.No.05 to reconsider the proposal of the petitioner submitted for the medical reimbursement of the medical bills of her husband.

D) This Hon'ble Court, by issuing the writ of mandamus or any other writ in the like nature, may kindly direct Res. No.05 to sanction the proposal submitted by the petitioner for the medical reimbursement of the medical bills of her deceased husband.

E) This Hon'ble Court, by issuing the writ of mandamus or any other writ in the like nature, may kindly direct Res. No.05 to sanction the proposal submitted by the petitioner for the medical reimbursement of the medical bills of her deceased husband at least to the extent of 60% as the husband of the petitioner was working on 60% grant-in-aid basis”.

3. The petitioner's husband died in harness. He was serving as a Junior Clerk with private institution which was receiving 60% grant-in-aid. The petitioner's husband incurred medical expenditure to the tune of Rs. 27,32,336/-. The petitioner's claim for reimbursement of medical expenditure has been turned down on the ground that the School with which the deceased was serving, was not receiving 100% grant and as such was not a government employee.

4. Learned A.G.P. has relied on the Government Resolution dated 2 February 2023. In its prelude it has been observed that the Government employees and schools receiving 100% grants would be entitled for reimbursement of medical expenditure. Government Resolution, however, is silent to refer therto. Be that as it may, the policy of the Government appears to reimburse the medical expenditure of the employees of school receiving 100 % grant.

5. In the case in hand, the deceased was 45 years of age when he breathed his last. He was suffering from severe accute necrotizing pancreatitis. His medical papers and hospital bills have already been placed on record. The deceased is survived by a widow, a child aged 4 years and mother. Considering the peculiar facts and circumstances of the case, we hereby direct respondent No.2, to pay the petitioner 60% of the actual medical expenditure. The exercise shall be completed within a period of two months from the date of receipt of copy of this order.

(SANDIPKUMAR C. MORE, J.)

(R.G. AVACHAT,J.)