IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12762 OF 2024

SHABANA BEGUM MOIZUDDIN SIDDIQUI
VERSUS
THE STATE OF MAHARASHTRA THROUGH
ITS SECRETARY AND OTHERS

...
Advocate for the Petitioner : Mr. Avinash D. Aghav
AGP for Respondents/State : Ms. S.S. Joshi
Advocate for Respondent No.3 : Mr. Pratik P. Kothari
Advocate for Respondent No.5 : Mr. S.R. Jogdand
...

CORAM : NITIN B. SURYAWANSHI AND
ABASAHEB D. SHINDE, JJ.

DATE : 06.10.2026

PER COURT:

1. Leave to add the Account Officer, Directorate of Divisional Deputy Director, Chhatrapati Sambhajinagar, as party respondent. Addition be carried out forthwith. Learned AGP waives service for added respondent.

2. The proposal of the petitioner seeking medical reimbursement of Rs.3,42,451/- is rejected by the impugned order dated 03.08.2024 by respondent No.3 – Education Officer (Primary), Zilla Parishad on the recommendation of Respondent No.6.

3. Heard learned advocate for the petitioner, learned AGP, learned advocate Mr. P.P. Kothari for respondent No.3 and learned advocate Mr. S.R. Jogdand for respondent No.5.

4. The rejection is on the ground that the reimbursement proposal is not submitted to respondent No.5, the Controlling Officer, within one year from the date of taking treatment, as per Rule 11(1) of the Maharashtra State Services (Medical Attendance), Rules, 1961.

5. The husband of the petitioner, namely, Athar Farooqui was admitted at Oriion Citicare Super Specialty Hospital Osmanpura, Aurangabad, for the period between 23.03.2022 to 04.04.2022 and from 07.05.2022 to 14.05.2022 as indoor patient. The petitioner submitted the proposal for reimbursement on 31.12.2022. It is mentioned in the proposal of the petitioner by the Controlling Officer/Headmaster – respondent No.5 that the demand raised by the petitioner of reimbursement is within one year. Thus, it is clear that the proposal of the petitioner was well within limitation as per Rule 11(1). The respondents have erroneously rejected the said proposal by hypertechnical approach, though it was well within limitation. The writ petition, therefore, deserves to be allowed.

6. In the result, the writ petition is allowed in terms of prayer clause ‘B’ and ‘C’ which are as follows;

"B. By issuing appropriate writ, order or directions in the like nature, may kindly be quash and set aside the impugned orders dated 10.07.2024 and 02.09.2024 passed by the respondent No.2 thereby rejected the proposals of the petitioner submitted for medical reimbursement and for that purpose issue necessary orders.

C. By issuing appropriate writ, order or directions in the like nature, may kindly be direct to the respondent No.2 forthwith sanctioned the proposals of petitioner submitted by respondent No.5 through respondent No.3 for medical reimbursement of Rs.3,42,451/- and Rs.51,746/- and for that purpose issue necessary orders."

(ABASAHEB D. SHINDE, J.) (NITIN B. SURYAWANSHI, J.)

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