CHITRA SANJAY SONAWANE
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Chitra Sonawane.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 993 OF 2024

Lata Mangshkar Medical Foundation …Petitioner.

Versus

The State of Maharashtra & Anr. …Respondents

Mr SR Nargolkar, Advocate a/w Mr SS Nargolkar for the Petitioner.
Smt Neha Bhide, GP a/w Smt Shruti Vyas, Addl GP a/w Mr AR Deolekar, AGP for State.
Mr Avinash Joshi,Advocate for Respdt No.3.

CORAM: SUMAN SHYAM &
ADVAIT M. SETHNA, JJ.

DATED: 19th AUGUST 2026.

PC:-

1. Heard Mr.SR Nargolkar, learned Counsel for the Petitioner, Smt.Neha Bhide, learned Government Pleader for the State and Mr. Avinash Joshi for Respondent No.3.

2. The main issue involved in this writ petition instituted by the Foundation as Petitioner, is pertaining to the Scheme notified by the Government of Maharashtra, as per the Order dated 17th August, 2006, passed by a Division Bench of this Court in Writ Petition (PIL) No.3132 of 2004.

3. According to the learned Counsel for the Petitioner, certain Clauses of the Scheme have outlived their utility due to the advancements in medical science, warranting modifications of those Clauses. Highligting the changes that are called for in the

present day context, the Petitioner has also submitted representation dated 28th October 2020, addressed to the Hon'ble Chief Minister of Maharashtra. However, since the earlier scheme was framed, finalised and notified in terms of observations and directions contained in the Order dated 17th August, 2006 passed by this Court, the State Government is relunctant to revisit the same. Hence, this Writ Petition.

4. Mr.Nargolkar, learned Counsel for the Petitioner, in support of his arguments, has submitted that the changed circumstances justifies modifications/replacement of certain Clauses in the existing Scheme. Therefore, the previous order of this Court cannot be a justifiable ground to refuse to modify the scheme if the attending facts justify the same. He submits that issues such as medical implants, stents etc. were not envisaged in the previous Scheme, thus, causing serious operational problem for the Petitioner.

5. On instructions from the departmental officials, the learned AGP, Ms Bhide, has submittted that if a direction is issued by this Court, then the Government will consider the Representation dated 28th October 2020 (Exh. E), and if necessary, suitable amendments will be carried out in the Scheme. In view of the above, we do not find any justifiable ground to keep this writ petition pending before this Court any further.

6. The writ petition is, therefore, disposed of by oberving that it will be open for the Government of Maharashtra to consider the projections made in the Representation (Exh.E) dated 28th October 2020 submitted by the Petitioner and if necessary, to carry out

necessary modification in the Scheme so as to align the same with the present day needs and developments in medical science.

7. With the above directions, the Petition is Disposed of.

(ADVAIT M. SETHNA, J.) (SUMAN SHYAM, J.)