



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.3327 OF 2026

[Dr. Jyoti Vitthalrao Magar Vs. State of Maharashtra and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.

Court's or Judge's order

Shri U.K. Bisen, Counsel for Petitioner.

Shri N.S. Rao, Assistant Government Pleader for Respondent Nos.1 to 4 and 7.

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.

DATE : 22nd APRIL, 2026.

1. Heard Shri U.K. Bisen, learned counsel for the petitioner.
2. The learned counsel for the petitioner submits that the mother of the petitioner was operated for knee replacement surgery on 27th September, 2022 and was discharged on 2nd October, 2022. For the aforesaid surgery, the petitioner has incurred the expenditure to the extent of Rs.2,16,781/- and the Civil Surgeon after deductions has recommended the claim of Rs.1,93,153/-. The aforesaid claim of the petitioner for medical reimbursement was rejected by the respondent No.3- District Health Officer, Zilla Parishad, Yavatmal, vide communication dated 28th August, 2024. Being aggrieved by the same, the petitioner had approached the learned Maharashtra Administrative Tribunal, Nagpur Bench, Nagpur, by filing Original Application No.1093 of 2024.
3. The learned Maharashtra Administrative Tribunal vide its judgment dated 16th April, 2026 has partly allowed the aforesaid Original Application. The medical reimbursement claim of the petitioner was rejected mainly on two grounds - first, because of some discrepancies in the bill, and second, that the surgery is not of emergency category. The learned Tribunal after considering the pleadings and hearing the parties has specifically held that the action of the respondent No.3 in rejecting the claim of the petitioner on the ground that it is not an emergency surgery, is incorrect. So far as the other ground regarding discrepancies in the bill

was concerned, the learned Tribunal has held that such discrepancies can be cured and accordingly has directed the petitioner to submit a revised proposal to the respondent No.3 within one month by removing the discrepancies.

4. The learned counsel for the petitioner submits that though the learned Tribunal has partly allowed the Original Application of the petitioner, however has granted another four months' time to the respondent No.3 for deciding the revised proposal submitted by the petitioner. The petitioner is awaiting the reimbursement of his claim since four years, i.e. from 2022, and again granting four months' time to the respondent No.3 for deciding the same has seriously prejudiced the petitioner. In our considered opinion, when the learned Tribunal had reached to a conclusion that the rejection of the medical reimbursement claim on the ground that the surgery was not of emergency category was incorrect, the period of four months granted to the respondents for deciding the revised proposal was exorbitant.

5. In view of above and in view of the findings of the learned Tribunal in Paragraph 9 of the impugned judgment, we modify the impugned judgment of the learned Tribunal as follows :

- (i) The petitioner should submit a revised proposal to the respondent No.3 within one week from today.
- (2) The respondents should examine this proposal by following the procedure mentioned in Paragraph 9 of the impugned judgment dated 16th April, 2026 passed by the learned Tribunal.
- (3) The respondents should take a decision within three weeks from the receipt of the revised proposal and inform the applicant accordingly.

(4) No order as to costs.

6. The petition stands disposed of in the aforesaid terms. No order as to costs.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)

LANJEWAR