

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4112 OF 2015

Pragatipath Educational Foundation & Ors. .. Petitioners

Vs.

State of Maharashtra through its Secretary
for School Education and Sports Dept. & Ors. .. Respondents

Mr.A.V. Anturkar, senior advocate a/w. Mr.S.B.Deshmukh for petitioners.

Ms.S.S.Bhende, AGP for State.

Mr.Rajiv Chavan a/w. Mr.Ajay Patil for respondent no.4.

**CORAM : ANOOP V. MOHTA,
K.R.SHRIRAM, JJ.**

DATE : 5TH MAY, 2015

P.C.

1 The learned senior counsel appearing for the petitioners by referring to a Division Bench judgment passed in ***Uran Education Society & Ors. Vs. The State of Maharashtra through the Secretary & Ors.*** in Writ Petition No.2800 of 2015 on 28.04.2015 submitted that they are restricting their claim/case only with regard to the aspect of reimbursement to the unaided pre-primary school. The statement is also made that their case is governed and covered by the reasons so recorded in order passed today in Writ Petition No.6644 of 2014 in ***Dr.Vikhe Patil Educational Foundations & Ors. Vs. State of Maharashtra*** along with other connected petitions. The counsel for the petitioners, therefore, seeks leave to modify the prayers. Leave granted. Amendment to be carried out forthwith.

2 After hearing the counsel for the petitioners, we have noted that the present petition can also be disposed of for the same reasons so referred above and therefore we are inclined to dispose of this petition to the extent of modified prayer clauses (AA) and (BB) which read as under :

(AA) That this Honourable Court be pleased to declare under the provisions of the Right of Children to Free and Compulsory Education Act, 2009, the respondents are bound to reimburse the expenses of an unaided school in respect of children admitted under the RTE Quota in pre-school Section under the proviso to Section 12(1) of the Act.

(BB) That this Honourable Court be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or discretion to respondent nos.1 to 4 to forthwith release the amounts due to the petitioner no.1's school for granting admission to children admitted under the RTE Quota under the said Act and for all subsequent periods.

3 In view of above, the writ petition stands disposed of accordingly.

(K.R. SHRIRAM, J.)

(ANOOP V MOHTA, J.)