

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

**WRIT PETITION NO. 6644 OF 2014
WITH
CIVIL APPLICATION NO. 892 OF 2015
IN
WRIT PETITION NO. 6644 OF 2014**

Dr.Vikhe Patil Educational Foundation's
Vikhe' Memorial [English Medium]
and Ors.

.. Petitioners

Vs.

State of Maharashtra & Ors.

.. Respondents

**WITH
WRIT PETITION NO. 4705 OF 2014**

Nirankari Education Sciety
through Secretary, Mr.Mahendra
Indraman Singh and Ors.

.. Petitioners

Vs.

State of Maharashtra & Ors.

.. Respondents

**WITH
CIVIL APPLICATION NO. 1072 OF 2015
IN
WRIT PETITION NO. 4421 OF 2014**

Raja Shri Shivray Pratishtan,
through Secretary Mr.Kisanrao
Bhausahab Bandal and Ors.

.. Petitioners

Vs.

State of Maharashtra & Ors.

.. Respondents

Mr.A.V. Anturkar, senior advocate a/w. Mr.S.B.Deshmukh for petitioners in
WP/6644/2014.

Mr.A.V. Anturkar, senior advocate a/w. Mr.P.B. Bhargude and Mr.S.B.
Deshmukh for petitioners in WP/4705/2014 & WP/4421/2014.

Ms.S.S.Bhende, AGP for State in all petitions.

Mr. Deepak More for respondent no.4 in WP/4705/2014.

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

DATE : 7TH MAY, 2015

P.C.

1 Leave is granted to the petitioners to modify prayers. Amendment to be carried out forthwith.

2 The learned counsel appearing for the petitioners by referring to a judgment dated 28.04.2015 passed by a Division Bench in ***Uran Education Society & Ors. Vs. The State of Maharashtra through the Secretary & Ors.*** in Writ Petition No.2800 of 2015 submitted that the reasons so provided in the judgment covers their case also with regard to the reimbursement part.

3 After hearing the counsel appearing for the petitioners and also considering the fact that we have already referred the present writ petition and the order passed therein on 12.09.2014 whereby we have directed the petitioner-management to admit the applicant's-children in the Junior KG classes, as early as possible preferably within a week, they have accordingly admitted the students pursuant to the order passed by this Court. The statement is also made that the earlier order dated 4.09.2015 passed in Writ

Petition No. 2199 of 2013 which we have considered in the order, the respondents, i.e., Union of India as well as the State of Maharashtra have not filed any undertaking. Therefore, the reasons so provided in writ petition no.2800 of 2015 squarely covers the case of the petitioners with this regard. The challenge is restricted to this only. In view of this, the petitions are allowed in terms 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 The petitions are accordingly disposed of with liberty. No costs.

4 In view of the disposal of the writ petition, civil applications also stand disposed of accordingly.

(K.R. SHRIRAM, J.)

(ANOOP V MOHTA, J.)