

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7352 OF 2023

Om Sai Bahuuddeshiy Sanstha
Thr Its President And Ors ... Petitioners.

V/S.

The State Of Maharashtra Thr
Its Dept Of School Education
And Sports And Ors ... Respondents.

.....

Mr.Shyamsundar Solanke i/b PNP & Associates for the Petitioners.
Mr.R.P.Kadam AGP for the Respondents.

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CORAM : NITIN JAMDAR, AND
MANJUSHA DESHPANDE, JJ.

DATE : 5 October 2023.

P.C. :

Heard learned counsel for the parties.

2 This petition is filed by the Schools of Barshi-Taluka District-Solapur, in which grievances are made that the Petitioners are entitled to reimbursement of fees for the students admitted in the quota of 25% prescribed under Right to Education Act, though entitled are not being paid.

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3 The Petitioners have relied upon Section 12 of Right To Education Act which reads thus:

“Section 12. Extent of school’s responsibility for free and compulsory education-

(a) specified in sub-clause (I) of clause (n) of section 2 shall provide free and compulsory elementary education to all children admitted therein

(b) specified in sub-clause (ii) of clause (n) of section 2 shall provide free and compulsory elementary education to such proportion of children admitted therein as its annual recurring aid or grants so received bears to its annual recurring expenses, subject to a minimum of twenty-five per cent,

(c) specified in sub-clauses (iii) and (iv) of clause (n) of section 2 shall admit in clause I, to the extent of at least twenty-five percent, of the strength of that class, children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory elementary education till its completion.”

4 The learned counsel for the Petitioners submitted that inspite of repeated requests amount admissible to the Petitioner as above has not been paid to the Petitioner.

5 No reply as yet is filed though the petition was adjourned. The learned AGP states that concerned officer is present. The Respondents will have to scrutinize case of the Petitioner as regards eligibility, quantum and thereafter will have to take necessary steps. Learned AGP on instructions states that cases of each of the Petitioner would be scrutinized within a period of two weeks, so as to ensure that there is no further time sought on behalf of the State.

6 We grant four weeks time to the State, within this period the case of each of the Petitioner would be scrutinized and the eligibility quantum be determined by the concerned Respondent. The admissible amount to the Petitioner would be released within a period of 2 weeks thereafter. If the Petitioners are not entitled then the order to that effect would be passed. If the Petitioners are aggrieved by total denial or partial dis-imbursement of the amount claimed by them, it is open to them to take such action as has been permissible in law.

7 With the aforesaid observations and directions writ petition is disposed of.

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)