

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10681 OF 2023

Jesus English Medium School
Thr Its Principal ... Petitioner.
V/S.
The State Of Maharashtra Thr
Its Principal Secretary And
Ors ... Respondents.

WITH
WRIT PETITION NO. 10685 OF 2023

Genius English Medium School
Thr Its Principal ... Petitioner.
V/S.
The State Of Maharashtra Thr
Its Principal Secretary And
Ors ... Respondents.

WITH
WRIT PETITION NO. 10695 OF 2023

Sanjeevan English Medium
School Thr Its Principal ... Petitioner.
V/S.
The State Of Maharashtra Thr
Its Principal Secretary And
Ors ... Respondents.

WITH
WRIT PETITION NO. 10697 OF 2023

Anand Gurukul English Medium
School Thr Its Principal ... Petitioner.
V/S.
The State Of Maharashtra Thr
Its Principal Secretary And
Ors ... Respondents.

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WITH
WRIT PETITION NO. 10698 OF 2023

Tatyasaheb Kore English Academy
Warananagar Thr Its Principal ... Petitioner.
V/S.
The State Of Maharashtra Thr
Its Principal Secretary And
Ors ... Respondents.

WITH
WRIT PETITION NO. 10736 OF 2023

Vakratund English Medium
School Rashivade ... Petitioner.
V/S.
The State Of Maharashtra Thr
Its Principal Secretary And
Ors ... Respondents.

WITH
WRIT PETITION NO. 10700 OF 2023

Rajveer Public School ... Petitioner.
V/S.
The State Of Maharashtra Thr
Its Principal Secretary And
Ors ... Respondents.

WITH
WRIT PETITION NO. 10705 OF 2023

Little Flower English
Medium School ... Petitioner.
V/S.
The State Of Maharashtra Thr
Its Principal Secretary And
Ors ... Respondents.

WITH
WRIT PETITION NO. 10702 OF 2023

Bote English Medium School
Kapshi Thr. Its Principal ... Petitioner.
V/S.
The State Of Maharashtra Thr
Its Principal Secretary And
Ors ... Respondents.

WITH
WRIT PETITION NO. 10707 OF 2023

Anandrao Patil Chuyerkar
English Medium School ... Petitioner.
V/S.
The State Of Maharashtra Thr
Its Principal Secretary And
Ors ... Respondents.

WITH
WRIT PETITION NO. 10733 OF 2023

Sou. Ambubai Patil English
Medium School Thr. Its
Principal ... Petitioner.
V/S.
The State Of Maharashtra Thr
Its Principal Secretary And
Ors ... Respondents.

WITH
WRIT PETITION NO. 10709 OF 2023

Brillant English Medium
School ... Petitioner.
V/S.
The State Of Maharashtra Thr
Its Principal Secretary And
Ors ... Respondents.

WITH
WRIT PETITION NO. 10735 OF 2023

Gurukul Vidyalay And Junior
College Chokak Thr.
Its Principal ... Petitioner.
V/S.
The State Of Maharashtra Thr
Its Principal Secretary And
Ors ... Respondents.

WITH
WRIT PETITION NO. 10739 OF 2023

Genius Public School, Bhuyewadi
Through Prin.Mrs.Sanjeevani Manik Patil ... Petitioner.
V/S.
The State Of Maharashtra Thr
Its Principal Secretary And
Ors ... Respondents.

WITH
WRIT PETITION NO. 10738 OF 2023

Smile English Medium School
Shirgaon Thru Prin. Mrs. Sarika
Sanjay Jadhav ... Petitioner.
V/S.
The State Of Maharashtra Thr
Its Principal Secretary And
Ors ... Respondents.

WITH
WRIT PETITION NO. 10741 OF 2023

Aadarsh English Medium
School Thr Its Principal ... Petitioner.
V/S.
The State Of Maharashtra Thr
Its Principal Secretary And
Ors ... Respondents.

CORAM : NITIN JAMDAR, AND
MANJUSHA DESHPANDE, JJ.

DATE : 20 September 2023.

P.C. :

Heard learned counsel for the parties.

2 All these petitions which are filed by different Schools 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.

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 Petitioner submitted that inspite of repeated requests amount admissible to the Petitioner as above has not been paid to the Petitioner. The Petitioners allege that the Central Government has already released grants to the State Government for refund of fees to the 25% quota under the Act. Yet, the amount is not been passed on to the Petitioner which is affecting their functioning.

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 petitions are disposed of.

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)