

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

WRIT PETITION NO. 14162 OF 2023

Late Shri. B.R. Chavan English
Medium School, Channekuppi ... Petitioner

versus

The State of Maharashtra
Through its Principal Secretary,
School Education Department and Others ... Respondents

**WITH
WRIT PETITION NO. 14164 OF 2023**

Saraswati English Medium School, Talandage ... Petitioner

versus

The State of Maharashtra
Through its Principal Secretary,
School Education Department and Others ... Respondents

**WITH
WRIT PETITION NO. 14165 OF 2023**

Anantrao Bhide Vidya Mandir, Ichalkaranji ... Petitioner

versus

The State of Maharashtra
Through its Principal Secretary,
School Education Department and Others ... Respondents

**WITH
WRIT PETITION NO. 14166 OF 2023**

Panhala Valley English Medium School, Borpadale... Petitioner

versus

The State of Maharashtra
Through its Principal Secretary,
School Education Department and Others ... Respondents

**WITH
WRIT PETITION NO. 14168 OF 2023**

Brilliant English Medium Schools, Narande ... Petitioner

versus

The State of Maharashtra
Through its Principal Secretary,
School Education Department and Others ... Respondents

**WITH
WRIT PETITION NO. 14174 OF 2023**

Royal English Medium High School, Unchgaon... Petitioner

versus

The State of Maharashtra
Through its Principal Secretary,
School Education Department and Others ... Respondents

**WITH
WRIT PETITION NO. 14175 OF 2023**

Kilbil English Medium School, Chandgad ... Petitioner

versus

The State of Maharashtra,
Through its Principal Secretary,
School Education Department and Others ... Respondents

.....

Mr.Gaurav Nankar i/b. Mr.Aditya Raktade for the Petitioners in all
Petitions.

Mr.B.V.Samant, Addl. GP with Ms.R.A.Salunkhe, AGP for
Respondent Nos. 1 and 2-State.

.....

**CORAM : NITIN JAMDAR &
MANJUSHA DESHPANDE, JJ.**

DATE : 9 NOVEMBER 2023

P.C.:

Heard the 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, 2009 (the Act of 2009), though entitled are not being paid.

3. The Petitioners have relied upon Section 12 of the Act of 2009, 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 in spite of repeated requests, amount admissible to the Petitioners as above, has not been paid to the Petitioners. 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 of 2009. Yet, the amount has not been paid to the Petitioners which is affecting their functioning.

5. The Respondents will have to scrutinize the case of the Petitioners as regards eligibility, quantum and thereafter will have to take necessary steps. The 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 Petitioners 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, the Writ Petitions are disposed of.

(MANJUSHA DESHPANDE, J.) (NITIN JAMDAR, J.)