



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.5037/2024

Pratap Memorial Charitable Trust and another Vs. State of Maharashtra and others

WITH

WRIT PETITION NO.5212/2024

Late Anil Multipurpose Education Society, Gondia and another Vs. State of Maharashtra and others

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. Hrishikesh Chitaley, Advocate for petitioners in both petitions.
Mr. D.P.Thakre, Addl.G.P. for respondents/State in WP 5212/2024.
Mr. S.M.Ukey, Addl. G.P. for respondents/State in WP 5037/2024.
Ms. Suhasini N. Deshpande, Advocate for respondent no.7 in both petitions.
Ms. M.P.Munshi, Advocate for respondent no.6 in WP 5212/2024 and
respondent nos.6 and 7 in WP No.5037/2024

CORAM : BHARATI DANGRE & ABHAY J. MANTRI, JJ.
DATE : SEPTEMBER 24, 2024.

Heard.

2. The two Writ Petitions listed before us filed by the Schools run by the petitioners-Trusts registered under the Bombay Public Trusts Act, 1950, seek the following limited reliefs:

"Direct the Respondent No.1 to 7 to release and pay the outstanding amounts towards reimbursement of fees for the students admitted under 25% of the RTE quota in Petitioner No.2 School.

Direct the Respondent No.1 to 7 to provide to the Petitioner No.2 School all such benefits as may be due to it under the RTE Act".

3. In the first session, we asked the Additional Government Pleader Mr. Ukey to obtain necessary instructions so that a time-bound schedule

can be chalked out for redressing the grievance of the petitioners in the two petitions.

The Additional Government Pleader has placed before us a communication from the Education Officer (Primary) Zilla Parishad, Gondia, dated 24.9.2024 in relation to the Writ Petition No.5212/2024, wherein a categorical statement is made, as regards Anil Bahuuddeshiya Shikshan Sanstha, Ganesh Nagar, Gondia, to the effect that a proposal for reimbursement shall be forwarded by the signatory of the document to the higher level i.e. Director of Education, Pune, for necessary permission and approval. Upon securing the necessary approval in respect of those if found to be eligible, the reimbursement of the amount shall be done within a period of two weeks.

4. The Additional Government Pleader has also placed before us an order passed by the Division Bench at the Principal Seat in a bunch of petitions, where a similar issue had cropped up as the petitioners had made grievance that despite repeated requests, amount admissible to the petitioners under the Right to Education Act, 2009 ("the Act of 2009" for short) has not been disbursed despite the fact 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.

A similar statement was made before this Court on behalf of the Government and four weeks' time was granted to the State for scrutinizing and determining the eligibility as well as the quantum and

thereafter releasing the admissible amount within a period of two weeks thereafter.

5. Since, the present two petitions are also governed by the order passed by the Division Bench on 9th November, 2023 in Writ Petition No.14162/2023 (*Late Shri B.R.Chavan English Medium School Vs. State of Maharashtra and others*) with connected petitions, by accepting the statement made before us by the Education Officer (Primary), we grant six weeks time to the State Government to complete the entire exercise of forwarding proposal and disbursement of the amount by the State Government, if petitioners are found to be eligible.

6. Both the petitions stand disposed off accordingly. No costs.

7. Needless to state that if the petitioners are aggrieved by the rejection of the claim or on receipt of a lesser amount than what they expect, they are at liberty to take appropriate action.

(ABHAY J. MANTRI, J.)

(BHARATI DANGRE, J.)