



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

WRIT PETITION NO.5979/2024

(Mount Convent and Jr. College of Science, Mul and others Vs. The 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 orders

Mr. P.P. Thakare, Advocate for the petitioners.
Mr. N.S. Rao, Assistant Government Pleader for respondent Nos.1 to 5.
Mr. N.S. Deshpande, Deputy Solicitor General of India for respondent
No.10.

CORAM: NITIN W. SAMBRE & MRS.VRUSHALI V. JOSHI, JJ.
DATED: 16.10.2024.

Heard.

2. The contention is that the petitioners are schools within the meaning of clause (n) of Section 2 of the Right of Children to Free and Compulsory Education Act, 2009. Section 12(2) of the Act mandates the reimbursement of the fees incurred by such petitioner schools towards the expenses incurred in imparting education to 25% of its quota which is sponsored by the State Government. It is claimed that reimbursement of fees is not made since 2012. It is further brought to our notice that the similar issue felt for consideration before the Principal Seat and also at Aurangabad Bench in Writ Petition No.7672/2022 (Vivekananda Academy of Human Excellence, Chimangaon V/s. State of Maharashtra and others) with connected matters decided on 21.9.2023 and in Writ Petition No.3094/2024 (Maharashtra Bahuudeshiya Samajik Sanstha, Jalna and another V/s. The State of Maharashtra and others) decided on

20.3.2024 at Aurangabad Bench.

3. As such it is claimed that the petition be disposed of with direction to the respondent State Government to cause scrutiny of the claim put-forth by the petitioners.

4. Our attention is invited to the observations made at Principal Seat in para 4 which reads thus:-

4. 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 Respondents, we grant four weeks time to the Respondents. Within this period the case of each of the Petitioner would be scrutinized and the eligibility, quantum be determined by the concerned Respondent. The amount admissible to the Petitioners should be released within a period of 2 weeks thereafter. If the Petitioners are not entitled then the order to that effect 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 is permissible in law."

5. We grant four weeks time to the respondents to scrutinize case of each of the petitioners as regards eligibility, quantum and to take necessary steps. Within this period, the case of each of the petitioners should be scrutinized and the eligibility, quantum be determined by the concerned respondent. The amount admissible to the petitioners should be released within a period of 2 weeks thereafter. If the petitioners are not entitled then the order to that effect be passed. If the petitioners are aggrieved by total denial or partial disbursement of the amount claimed by them, it is open to them to take such action as is permissible in law.

6. With the aforesaid observations and directions, the petition stands disposed of.

(MRS.VRUSHALI V.JOSHI, J.)

(NITIN W. SAMBRE, J.)