

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2123 OF 2025

Society For Excellence In Education And Anr ...Petitioners
Versus
The State of Maharashtra and Ors. ...Respondents

Mr. Vinayak Kumbhar i/b Mr. Prashant Bhavake Advocate for the
Petitioners.

Mr. A.I. Patel, Addl. Government Pleader, a/w Mr. Y.D. Patil, Assistant
Government Pleader for the Respondent/State.

**CORAM : A.S.CHANDURKAR AND
M.M. SATHAYE, JJ.**

DATE : 18th FEBRUARY 2025

P.C. :

1. **Rule.** Rule made returnable forthwith. By consent of the parties,
heard finally. Petition No.1 is an Educational Institute running
Petitioner No.2 School.

2. The learned counsel for the Petitioners and the learned
Assistant Government Pleader for the Respondent-State submit that the
issue raised in this group of writ petitions is covered by the order of this
Court in Writ Petition No.6020 of 2024 and others. Both the learned
counsel have agreed that the present petition may be disposed of in
terms of the directions issued in the said writ petition.

3. We have perused the order passed in Writ Petition No.6020 of
2024, wherein similar issue had arisen and this Court followed the

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directions issued in another Writ Petition No.10681 of 2023. The relevant paragraph 3 of the order dated 2nd May 2024 in Writ Petition No.6020 of 2024 reads thus:-

“We have perused the order in Writ Petition No.10681 of 2023, wherein similar issue had arisen and this Court had passed the following order :-

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 percent,

(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.”

4. Following the aforesaid order, we grant period of eight week's time to the State, within which period the case of the Petitioner No.1-Institution would be scrutinized and the eligibility as well as quantum of reimbursement would be determined by the concerned Respondent. The admissible amount of reimbursement to the Petitioner No.1 would be released within a period of two weeks thereafter. If the Petitioner No.1 is not entitled for any amount of reimbursement, an order to that effect would be passed and the Petitioner No.1 would be free to take appropriate steps in accordance with law.

5. The prayer for grant of interest on the amount to be reimbursed is kept open. The Petitioner No.1 is free to pursue the same in accordance with law.

6. The Writ Petition is disposed of in above terms. No costs.

(M.M. SATHAYE, J.)

(A.S.CHANDURKAR, J.)