

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

WRIT PETITION NO. 6128 OF 2025

1.The Scholar's English School
Through Its Chairman
2.Shriram English Medium School
3.Gurukul Vidyaniketan Bagani & Ors. ...Petitioners

VERSUS

1.The State of Maharashtra Through
Secretary School Education & Sports
Department Mantralaya Mumbai
2.The Director of Education (Primary)
3.The Dy-Director of Education & Ors. ...Respondents

....

None for the Petitioner.

Smt. G. R. Raghuvarshi, AGP for the Respondent – State.

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**CORAM : M. S. KARNIK &
N. R. BORKAR, JJ.**

DATE : 10th JUNE, 2025

P.C.:

1. Heard the learned AGP for Respondent-State.
2. According to the Petitioners - institutions, they are entitled to reimbursement of fees for the students admitted against the quota of 25% as per the Provisions of Right of Children to free and Compulsory Education Act, 2009. However, they have not been paid the said amount. The prayers in the Petition read thus :

“A. This Writ Petition may kindly be allowed;

B. By a writ of mandamus or by a suitable writ, order or direction Resp. No. 1 to 5 the state of Maharashtra and other, be directed to release and pay the outstanding amounts towards reimbursement of fees for the students admitted in 25% RTE quota in petitioner no.1 as per the amounts specified in the chart at Exh-"B" within a period of 8 weeks from the date of order.

C. By a writ of mandamus or by a suitable writ, order or direction, Resp. No. 1 to 5, the State of Maharashtra and others, be directed to ensure reimbursement of fees of the students admitted in 25% RTE quota in petitioner no.1 school in two installments, first being on 30th October and the second being on 30th April in each academic year from the last many year onwards without any default/delay.

D. By a suitable writ, order or direction interim Resp. No. 1 to 5, State of Maharashtra be directed to reimburse at least 50% of the outstanding amounts as mentioned in the chart at Exh-"B" to petitioner Nos. 1 to 4 schools within four weeks during the pendency of present petition.

E. In view of vital issues involved in the petition and impact of the decision of this Hon'ble Court on all the affected schools in the State of Maharashtra the petition may kindly be heard and decided at the stage admission.

F By way of appropriate writ order or direction in the like nature, this Hon'ble High Court may kindly direction to respondents authority for paying remaining amount of RTE 25% reimbursement to Petitioner.

G. By way of appropriate writ order or direction in the like nature, this Hon'ble High Court may direction kindly to respondents consider the proposal with representation for RTE 25% reimbursement which is Exh- "A".

H. By way of appropriate writ order or direction in the like nature, this Hon'ble High Court may kindly direction to respondents consider the chart-wise remaining RTE 25% reimbursement amount which is Exh-"B".

I. By way of appropriate writ order or direction in the like nature, this Hon'ble High Court may kindly direction to

respondents pay the amount of the Petitioner which is available according to Government Resolution dated 05.09.2024 which is Exh-"F".

J. Any other suitable and equitable relief may kindly be granted in favour of the Petitioner."

3. In an identical Petition this Court by order dated 16th October 2023 in Writ Petition No.2819 of 2021 directed the authority concerned to scrutinise the proposal for the reimbursement to the Petitioners therein and if they are found to be entitled to some amount, the same shall be reimbursed to them.

4. We are, therefore inclined to pass the similar order in the present Petition.

5. The respondents shall scrutinise the proposal of petitioners for reimbursement and if they are found to be entitled to some amount, the same shall be reimbursed to them. However, in case the petitioners are not found to be entitled, then they shall be communicated the reasons therefor for their non-entitlement for the amount they are claiming. The said exercise shall be done within a period of eight weeks.

6. The Petition is disposed of in the aforesaid terms.

(N. R. BORKAR, J.)

(M. S. KARNIK, J.)