



ORDER DATED 17/04/2025

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

WRIT PETITION NO. 4602 OF 2024

(Prabhat Kids School, through its Manager Shri Abhijeet Ashok Joshi vs. The State of Maharashtra and others)

with

WRIT PETITION NO. 6939 OF 2024

(Shree Samarth Va Krida Prasarak Mandal, Akola and others vs. The State of Maharashtra and others)

Mr.A.P.Bhuibhar, Advocate with Mr. Varad Kilor, Advocate for the petitioners.

Mr. Mr.N.R.Patil, AGP for respondent Nos.1, 3 to 5.

Ms.H.N.Jaipurkar, Advocate h/f. Mr.B.N.Jaipurkar, Advocate for respondent Nos.6 and 7.

Mrs.Ashwini Athalye, Advocate for respondent No.8 and 9 in WP 4602/2024 and in WP 6939/2024 respectively.

CORAM : AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.

DATE : APRIL 17, 2025

1) Heard Mr.Bhuibhar, learned counsel for petitioners, Mr.Patil, learned Assistant Government Pleader for respondent Nos.1, 3 to 5. Ms.Jaipurkar, learned counsel for respondent Nos.6 and 7, Mrs.Athlye, leraned counsel for respondent No.8, none for other respondent.

2) The petition raises grievance regarding the non-reimbursement of fees in respect of the students admitted by the petitioners in terms of GRs annexed at Annexure-C to the petition. The petition contains a chart in para 15 (page 13) in respect of the total amount due and receivable by the petitioners on account of its claim for entitlement of reimbursement of fees.

3) Learned Assistant Government Pleader does not dispute that in terms of the GRs which are collectively placed at Annexure-C the petitioners are entitled to reimbursement of fees. It is however, contended that the same will have to be verified and thereafter paid to the petitioners.

4) The chart placed in Writ Petition No.4602/2024 in para 15 and in Writ Petition No.6939/2024 is para 17 indicates substantial amount due and payable to the petitioners from the academic session 2014-2015 till the academic session 2023-2024. This would clearly indicate that there is no reimbursement of fees on a yearly basis, in respect of the academic sessions, which would adversely affect the financial viability of the institutions, who are required to admit students, under the various schemes framed by the Government, in respect of which reimbursement of fees is assured. It would therefore, be appropriate for the State to ensure that such reimbursement happens on a yearly basis before the close of the academic session, so that the institutions are financially viable.

5) Since the entitlement to reimbursement is not disputed, we dispose off the petition by directing the respondent Nos.1 and 3 to verify the claims raised by the petitioners, regarding reimbursement of fees within a period of two weeks from today and for respondent No.1 to make payment to the petitioners within a week thereafter.

6) We also put the State and the respondent No.3 on notice that the exercise for reimbursement of fees, henceforth has to be necessarily undertaken on yearly basis, pertaining to the then current academic session, so as to ensure, that the

reimbursement happens in the same academic year. The petition is therefore, dispose off in the above terms. No costs.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

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