IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4345 OF 2026

Thomas English Medium School Thr. Principal Elizabeth Sandip Raut ...Petitioner

Versus

The State Of Maharashtra Thr. Its Pr. Secretary, School Education Department And Others ...Respondents

WITH
WRIT PETITION NO. 4116 OF 2026

Anandsagar Public School Tasgaon Thr. Principal ...Petitioner

Versus

The State Of Maharashtra Thr. The Secretary School Ed. Dept. And Others ...Respondents

WITH
WRIT PETITION NO. 4604 OF 2026

Malu English Medium School, Shirol (marathi) ...Petitioner

Versus

The State Of Maharashtra Thr Its Pr. Secretary And Others ...Respondents

WITH
WRIT PETITION NO. 4605 OF 2026

Malu English Medium School, Shirol ...Petitioner

Versus

The State Of Maharashtra Thr Its Pr. Secretary And Others ...Respondents

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Mr. Aditya Raktade a/w Mr. Sanket Patil, for the Petitioner.

Mr. V.G.Badgujar, AGP for the Respondent-State.
Mr. Ranjeet Patil i/b Mr. Pankaj Deokar, for the Respondent No. 5.
Ms. Indrayani Patil i/b Mr. Kedar Lad, for the Respondent No. 3 in WP No. 4604/2026 and WP No. 4605/2026.

CORAM : SHARMILA U. DESHMUKH & NEERAJ P. DHOTE, JJ.

DATE : OCTOBER 09, 2026.

P. C. :

1. By the present Petitions, Petitioners seek a direction to Respondent Nos. 1 to 3 to release and pay the outstanding amount towards the reimbursement of fees for the students admitted in the 25% RTE quota in Petitioner's schools, as per the amount specified in the chart annexed thereto. The chart annexed to the Writ Petition No. 4345/2026 would indicate that for the academic year 2021-2022 to 2024-2025, the fees have not been reimbursed. In Writ Petition No. 4116/2026, the reimbursement of fees is claimed for the year 2017-2019. In Writ Petition No. 4604/2026, the reimbursement is claimed for the academic year 2016-2023. In Writ Petition No. 4605/2026, the reimbursement is claimed for the academic year 2014-2015 to 2026-2027.

2. The Petitioners are non-aided private english medium schools and are constrained to approach this Court in view of the inaction and negligence on part of Respondent authorities failing to send the proposals of the Petitioners to the concerned authorities for purpose of

reimbursement of the fees of the students admitted under compulsory 25% RTE quota.

3. The Right of Children to Free and Compulsory Education Act, 2009 (for short "**RTE Act**") was enacted to provide free and compulsory education to all children in the age of 6 to 14 years. The stated object of the enactment was the recognition that crucial role of universal elementary education is necessary for strengthening the social fabric of democracy through provision of equal opportunities to all and that the Directive Principles of State Policy provides for free and compulsory education to all children up to age of 14 years.

4. Section 3 of the RTE Act sets out the right of the child to free and compulsory education, and Section 12 imposes a responsibility on schools for providing free and compulsory education. Section 12 provides that the schools shall provide free and compulsory elementary education to the extent of atleast 25% of the strength of that class to the children belonging to weaker section and disadvantaged group. Sub-section 2 of Section 12 provides that schools providing such education shall be reimbursed expenditure so incurred by it to the extent of per-child-expenditure incurred by the State, or the actual amount charged from the child, whichever is less, in such manner as may be prescribed. It is this statutory obligation which is imposed by the RTE Act, which is sought to be enforced by way of present Petitions.

5. Considering the object of the RTE Act and the fact that the schools are complying with the statutory provisions, it is the bounden duty and responsibility of the Respondent authorities to ensure that such schools are not made to run from pillar to post for the purpose of seeking reimbursement of the expenses, which the statute provides. The Respondent authorities have set out the procedure by which the proposal is required to be forwarded by the Education Officer, Zilla Parishad, to the Director of Education (Primary), who is then required to forward the same to the Finance Department and a GR is required to be issued. No doubt the procedure must have been established for the purpose of ensuring accountability and that schools receive reimbursement in time. However, we find from the number of Petitions filed, that more often the Respondent authorities have been totally negligent. The present Petitions are such cases where since the year 2016, the schools have not been reimbursed their expenses. The State authority should realize that it is not largesse of the State, which is being disbursed but a right which is given to the schools under the RTE Act.

6. Learned counsel for the Petitioners in the present case came with the prayer that the proposals be forwarded and the process be initiated. The State authorities should realize that the statute imposes certain obligations and duties upon the State authorities, and the Courts are

forced to remind the authorities of their own duties, which are then required to be enforced in time-bound manner. We do not appreciate difficulties being demonstrated to the Court, instead of ensuring that authorities will comply with their obligations in time. If the State authorities would have discharged their duties, the Petitioners would not have been compelled to spend time and effort in approaching the Courts for seeking what is rightfully due to them.

7. Considering that the schools cannot function without funds, and particularly, where the statute itself provides for the schools to admit the students from the weaker section of the society, with the assurance that the schools will be reimbursed, the reimbursements should not be delayed.

8. We do not wish to add anything further, however, it is expected that the concerned authorities will act with promptness and will ensure that the reimbursement of the expenses, which are incurred by the school are disbursed.

9. There is no factual dispute raised as regards the entitlement of the Petitioners. We do not appreciate the contentions that the Finance Department or any other department is not party to the proceedings. In such event, it is for the Director of Primary Education to ensure that the process is completed in time-bound manner, and it is not necessary that each and every department, which is involved is required to be made a

party. The orders of this Court will bind every authority, which is involved in the process of reimbursement of the expenses to the Petitioner schools.

10. The Education Officer (Primary) ought to have forwarded the proposals immediately upon receiving the same from schools. Be that as it may. The Education Officer (Primary) of the concerned Zilla Parishad, to forward the proposals to the Director of Primary Education within a period of one week.

11. The Director of Primary Education, within a period of one week thereafter, to scrutinize the proposals and forward the same to the Finance Department, who shall issue a necessary Government Resolution within a period of one week thereafter.

12. In no circumstances, the entire process should exceed the period of four weeks. We are compelled to lay such stringent timelines, as we find total inaction and negligence on the part of State authorities.

13. The Petitions are allowed in the above terms.

14. Applications, if any, do not survive for consideration and stand disposed of.

[NEERAJ P. DHOTE, J.] **[SHARMILA U. DESHMUKH, J.]**