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

WRIT PETITION NO. 1932 OF 2026
Sahyadri Shikshan Sanstha, Sawarde Thr. Secretary And Anr V/s The State Of Maharashtra Thr. Principal Secretary And Ors.

WITH
WRIT PETITION NO. 1934 OF 2026
Sahyadri Shikshan Sanstha, Sawarde Thr. Secretary And Anr V/s. The State Of Maharashtra Thr. Principal Secretary And Ors.

WITH
WRIT PETITION NO. 1935 OF 2026
Yashodeep Shikshan Khadi Gramodyog Va Bahu-uddeshiya Pratishthan Thr. Secretary And Anr. V/s. The State Of Maharashtra Thr. The Principal Secretary And Ors.

WITH
WRIT PETITION NO. 1936 OF 2026
Sahyadri Shikshan Sanstha, Sawarde Thr. Secretary And Anr V/s. The State Of Maharashtra Thr. Principal Secretary And Ors.

WITH
WRIT PETITION NO. 1937 OF 2026
Sahyadri Shikshan Sanstha, Sawarde Thr. Secretary And Anr V/s. The State Of Maharashtra Thr. Principal Secretary And Ors.

WITH
WRIT PETITION NO. 1938 OF 2026
Sahyadri Shikshan Sanstha, Sawarde Thr. Secretary And Anr V/s. The State Of Maharashtra Thr. Principal Secretary And Ors.

WITH
WRIT PETITION (ST) NO.3481 OF 2026
Lavel Vibhag Shikshan Prasarak Mandal V/s. The State of Maharashtra & Ors

WITH

WRIT PETITION NO.1876 OF 2026

Swami Viveknand Vidyalaya & Anr V/s. The State of Maharashtra & Ors

WITH

WRIT PETITION (ST) NO.3479 OF 2026

Datta Shikshan Prasarak Mandal & Anr V/s. The State of Maharashtra & Ors

WITH

WRIT PETITION (ST) NO.3593 OF 2026

Smt. Rukminibai Mate Shikshan Sanstha, Kamathe & Ors V/s. The State of Maharashtra & Ors

WITH

WRIT PETITION (ST) NO.3591 OF 2026

Sane Guruji Shikshan Prasarak Mandal Janashi & Anr V/s. The State of Maharashtra & Ors

WITH

WRIT PETITION NO.3609 OF 2026

Mangalwedha Education Society Mangalwedha, Dist. Solapur & Anr V/s. The State of Maharashtra & Ors

WITH

WRIT PETITION NO.1875 OF 2026

Phaltan Urdu Education Society & Anr V/s. The State of Maharashtra & Ors.

WITH

WRIT PETITION NO.1807 OF 2026

Noor-UI-Huda Education Society & Anr V/s. The State of Maharashtra & Ors.

WITH

WRIT PETITION (ST) NO.3622 OF 2026

Anjuman Targheeb-E-Taleeem Shikshan Prasarak Mandal, Akkalkot & Anr
V/s. The State of Maharashtra & Ors

Mr. Utkarsh Desai i/b. Mr. P. S. Bhavake, Advocate for petitioners.
Mr.Arvind G. Ambetkar, Advocate for petitioners (in WP No.3609/2026)
Mr. Narendra V. Bandiwadekar, Senior Advocate (thr. V.C.) a/w Sagar Mane, Advocate for petitioners in WP/1932/2026, WP/1934/2026, WP/1935/2026, WP/1936/2026, WP/1937/2026, WP/1938/2026.
Mr. V. M. Mali, Ms. Tejas Kapre, Mr. S.B. Kalel, Mr. A.A. Naik, AGP for respondents-State in respective petitions.

Coram : Madhav J. Jamdar &
Pravin S. Patil, JJ.

Date : April 29, 2026.

ORAL JUDGMENT (PER: PRAVIN S. PATIL, J.)

1. By these petitions, the challenge is to the Government Resolutions dated 01.04.2026 and 02.04.2026, whereby the State Government, has disqualified Primary and Secondary Schools permanently from receiving grant-in-aid from State Government, as those schools repeatedly failed to satisfy the norms of assessments and directed them to submit applications under the provisions of the Maharashtra Self-Financed Schools (Establishment and Regulation) Act, 2012 (hereinafter referred to as the "Self-Finance Act") on or before 30.04.2026. It is further clarified in the said Resolutions that, in case the managements/schools failed to submit their applications on or before 30.04.2026, their recognition shall stand

cancelled automatically, and the students in such schools will be absorbed into nearby grant-in-aid schools or other schools run by local authorities. The relevant extract of G.R. dated 01.04.2026 is reproduced as under :

"व कायम विना अनुदान तत्त्वावर मान्यता दिलेल्या तथापि मुल्यांकनाच्या अनुदानाच्या निकषांमध्ये वारंवार अपात्र झालेल्या खाजगी प्राथमिक शाळा व तुकडयांबाबत.

महाराष्ट्र शासन

शालेय शिक्षण व क्रीडा विभाग

शासन निर्णय क्रमांक: माशाअ २०२५/प्र.क्र. ५२/एसएम-४,

हुतात्मा राजगुरु चौक, मादाम कामा मार्ग,

मंत्रालय, मुंबई ४०० ०३२,

दिनांक :- ०१ एप्रिल, २०२६

शासन निर्णय

१. राज्य शासनाद्वारे वेळोवेळी मुल्यांकन होवूनही वारंवार अपात्र ठरलेल्या या शासन निर्णयासोबत जोडलेल्या प्रपत्र-अ व ब मध्ये नमूद प्राथमिक शाळा व तुकडयांना वेतन अनुदानाकरीता कायमस्वरुपी अपात्र घोषित करण्यात येत आहे.

शाळेचा स्तर	**शाळा (प्रपत्र अ)**	**शाळांवरील तुकडया (प्रपत्र ब)**
प्राथमिक	४३३	३३ (शाळांवरील तुकडया)

२. प्रपत्र-अ व ब येथे नमूद शाळांना स्वयंअर्थसहाय्यित अधिनियमातील तरतुदींनुसार शासन मान्यतेसाठी अर्ज करण्याकरीता दि.३०.०४.२०२६ पावेतो अखेरची मुदत देण्यात येत आहे. सदर दिनांकापूर्वी प्रपत्र-अ व ब मध्ये नमूद शाळांनी स्वयंअर्थसहाय्यित तत्वावर मान्यतेसाठी शिक्षण संचालक (प्राथमिक), महाराष्ट्र राज्य, पुणे यांचेकडे अर्ज दाखल करणे अनिवार्य राहील. या शाळांना स्वयंअर्थसहाय्यित तत्वावर मान्यता देताना स्वयंअर्थसहाय्यित अधिनियमाच्या कलम ४ मधील दाननिधीची तरतूद तसेच अधिनियमाच्या अनुसूची **"क"** मधील परिच्छेद क्र.१२ येथील जमीनीबाबतच्या तरतूदीमधुन सुट अनुज्ञेय राहील.

प्रपत्र- अ व ब मध्ये नमूद शाळांनी खाली नमूद कागदपत्रे अर्जासोबत जोडणे आवश्यक राहील;

१) शाळा मान्यता आदेश

२) अद्ययावत आधार रिपोर्ट

३) आरटीई मान्यता

विहीत मुदतीत परिपूर्ण अर्ज सादर करणाऱ्या शाळांना स्वयंअर्थसहाय्यित अधिनियमातील तरतूदींनुसार मान्यता अनुज्ञेय राहील.

३. प्रपत्र-अ व ब मध्ये नमूद शाळांपैकी ज्या शाळा परिच्छेद क्र.२ मध्ये नमूद केल्याप्रमाणे विहीत मुदतीत संचालक (प्राथमिक), प्राथमिक शिक्षण संचालनालय, पुणे यांचेकडे अर्ज दाखल करणार नाहीत, अशा शाळांबाबत संदर्भ क्र.१ येथील शासन निर्णयातील परिच्छेद क्र.१२ मधील तरतूदींनुसार अशा शाळांची मान्यता आपोआप रद्द होईल. या शाळांमधील विद्यार्थ्यांचे समायोजन सोयीनुसार नजीकच्या खाजगी अनुदानित /स्थानिक / नागरी स्वराज्य संस्थेच्या प्राथमिक शाळांमध्ये विहीत कार्यपध्दतीनुसार करण्यात यावे. संबंधित शिक्षणाधिकारी (प्राथमिक / माध्यमिक) यांनी विहित कार्यपद्धती नुसार अशा शाळांमधील विद्यार्थ्यांचे समायोजन करण्याबाबतचे परिपूर्ण नियोजन दि.०१.०५.२०२६ ते दि.३१.०५.२०२६ या कालावधीत पूर्ण करावे व सुट्टीच्या कालावधीमध्ये प्रत्यक्ष समायोजनाची कार्यवाही पूर्ण करावी.

४. मान्यता रद्द झालेल्या शाळा UDISE + पोर्टलमधून कमी करण्याबाबतचा प्रस्ताव संबंधित शिक्षणाधिकारी यांनी राज्य प्रकल्प संचालक, महाराष्ट्र प्राथमिक शिक्षण परिषद, मुंबई यांना दि.३१.०५.२०२६ पावेतो सादर करावा. राज्य प्रकल्प संचालक, महाराष्ट्र प्राथमिक शिक्षण परिषद, मुंबई यांनी अशा प्रकारे प्राप्त झालेल्या प्रस्तावाच्या अनुषंगाने कार्यवाही करावी. तसेच मान्यता रद्द झालेल्या शाळा सरल पोर्टलमधून कमी करण्याबाबतचा प्रस्ताव संबंधित शिक्षणाधिकारी यांनी आयुक्त (शिक्षण), महाराष्ट्र राज्य, पुणे यांना सादर करावा. सदर प्रस्तावाच्या अनुषंगाने आयुक्त (शिक्षण), महाराष्ट्र राज्य, पुणे यांनी १० दिवसांत कार्यवाही करावी.

५. सदर शासन निर्णय महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करण्यात आला असून त्याचा संकेताक २०२६०४०११८२६२१५३२१ असा आहे. हा आदेश डिजीटल स्वाक्षरीने साक्षांकित करुन काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांचे आदेशानुसार व नावाने,"

2. The petitioners approached before this Court by raising various grounds to challenge the policy framed by the Government. However, their prime submission is that though the drastic action is taken by the State Government, no hearing opportunity were granted to them. Therefore, it is their submissions that on the sole ground of non-grant of hearing opportunity, the impugned drastic action of disqualification of

concerned schools to receive grant-in-aid is unsustainable and same deserves to be quashed and set aside.

3. According to the petitioners, as per the settled principles of law, every action of the State must be informed by reasons. Any action not supported by reasons amounts to arbitrary action and, therefore, they are entitled to question the same before this Court to redress their grievance.

4. Learned Assistant Government Pleader has strongly objected to the submissions made by the petitioners. According to the learned AGP, the perusal of the Government Resolution, itself demonstrates that the State Government while framing guidelines to provide grant-in-aid has already prescribed a due procedure. It is also pointed out that the present petitioners' Managements/Schools failed to satisfy the assessment criteria laid down in the Government Resolution dated 15.11.2011 and, therefore, by giving opportunity to the present petitioners, the said action was taken by the Government. According to the learned AGP, there is no substance in the submission of the petitioners and, therefore, petitions deserve to be dismissed.

5. In light of the submissions of both the parties, we have first perused the policy of Government whereby norms of assessment to provide grant-in-aid to schools is laid down. The Government Resolution dated 15.11.2011, is the basic resolution by which guidelines were

framed for assessment of the Primary and Secondary Marathi Schools, for their entitlement to grant-in-aid. The State Government, accordingly, under the chairmanship of Secretary, School Education Department constituted a Committee to implement the said guidelines for assessment. The perusal of the Government Resolution further demonstrates the fact that at every District Level, the Committee of 7 members has been constituted. The District Education Officer was made the chairman of the said Committee. As per the Annexures 'A' and 'B', enclosed with Government Resolution provides the format under which the Management has to submit their applications giving details of the school. The Committee members have to allot the marks to the school on the basis of availability of facilities in the school, by visiting the school and verifying the details stated by them in their application.

6. The Government Resolution dated 15.11.2011 further provides that after the verification of proposal by the District Level Committee, it is required to forward to the Verification Committee of which the Deputy Director of Education of the Region is the Chairman along with other two members. Then Education Officer is required to publish the list of qualified and disqualified schools within a period of one month after the decision of Verification Committee headed by Deputy Director of Education and also to communicate the marks obtained by each school. It

is also clarified that those Schools which are for three consecutive year failed to satisfy the norms of assessment for receiving grant in aid will be held disqualified. It will be relevant to reproduce the relevant extract of G.R. dated 15.11.2011 as under :

"राज्यातील कायम विना अनुदान तत्वावर परवानगी दिलेल्या प्राथमिक व माध्यमिक शाळांना (इंग्रजी माध्यमाच्या शाळा वगळून) अनुदान सूत्र लागू करण्यासाठी मूल्यांकनाचे निकष निश्चित करणे.

महाराष्ट्र शासन

शालेय शिक्षण व क्रीडा विभाग

शासन निर्णय, क्रमांक- माशाअ २००९/ (५९९/०९)/माशि-१

मंत्रालय विस्तार भवन, मुंबई-४०० ०३२.

दिनांक : १५ नोव्हेंबर, २०११.

शासन निर्णय -

(१) विना अनुदान तत्वावर असणा-या प्राथमिक व माध्यमिक शाळांच्या (इंग्रजी माध्यमाच्या शाळा वगळून) करीता सुधारीत मुल्यांकन निकष निश्चित करण्याचा व सुधारीत निकषानुसार पात्र ठरलेल्या शाळांना सन २०१२-१३ पासून अनुदान लागू करण्याकरीता अनुदान सुत्र निश्चित करण्याचा निर्णय शासनाने मंत्रीमंडळाच्या मान्यतेने घेतला आहे. त्यानुसार शाळा ज्या वर्षी मूल्यांकनात पात्र ठरतील त्या वर्षापासून २० टक्के, त्यापुढील वर्षी अनुक्रमे ४० टक्के, ६० टक्के, ८० टक्के व १०० टक्के या प्रमाणात अनुदान अनुज्ञेय करण्याचे सुत्र लागू राहणार आहे.

(२) शाळांची पात्रता -

ज्या शाळांनी खालील नमूद बाबींची पूर्तता केलेली आहे केवळ अशाच शाळांचे प्रस्ताव मुल्यांकनाकरिता स्वीकारण्यात येतील. ज्या शाळा खालील बाबींची पूर्तता करणार नाहीत अशा शाळांचे प्रस्ताव मूल्यांकनाकरिता विचारात घेण्यात येऊ नयेत.

अ. शासनाने खाजगी शाळेला मान्यता देण्याबाबत वेळोवेळी निश्चित केलेले किमान पात्रता निकष पूर्ण करणे आवश्यक राहील.

ब. मुल्यांकनासाठी अर्ज करतेवेळी शाळांमध्ये कर्मचारी नियुक्तीसंदर्भात आरक्षण धोरणाचे पालन केलेले असणे आवश्यक आहे. (अल्पसंख्याक शाळा वगळून)

क. शाळेतील कर्मचा-यांची संचमान्यता व मंजूर पदांची वैयक्तिक मान्यता झालेली असणे आवश्यक आहे. अनुदानासाठी करावयाच्या

ऑनलाईन प्रस्तावासोबत मागील तीन वर्षाच्या संच व शिक्षकेत्तर कर्मचा-यांची वैयक्तिक मान्यता जोडणे अनिवार्य राहील.

ड. विनाअनुदान तत्वावरील ज्या शाळा अनुदानावर अद्यापही आलेल्या नाहीत अशा शाळांचे मूल्यांकन देखील सुधारित निकषानुसार करण्यात यावे.

(३) मुल्यांकन निकष व गुण विभागणी -

विनाअनुदानित प्राथमिक व माध्यमिक शाळांना वेतन अनुदान देण्यासाठी करावयाचे मुल्यांकनातील १०० गुणांची बाब निहाय गुण-विभागणी खालीलप्रमाणे, तर मुल्यांकन निकषाचा सविस्तर तपशील समोर दर्शविलेल्या व या शासन निर्णयासोबतच्या प्रपत्राप्रमाणे राहणार आहे.

अ.क्र.	बाब	गुण	प्रपत्र
I	शाळेची शैक्षणिक गुणवत्ता	५०	अ
II	शाळेत असलेल्या भौतिक सुविधा	३५	ब
III	समुपदेशन केंद्र	३	क
IV	शाळेतर्फे सामाजिक विकासाच्या अनुषंगाने आयोजित करण्यात येणारे विविध कार्यक्रम	३	क
V	शाळेतील विद्यार्थ्यांचा सह -शालेय उपक्रमांत (को-करीक्युलर अॅक्टीव्हिटीजमध्ये) सहभाग	५	ड
VI	शाळांतर्फे इको फ्रेंडली उपक्रम, रेन वॉट हार्वेस्टींग, अपारंपारिक उर्जा, पाण्याचा पुर्नवापर, याकरीता केलेले प्रयत्न	४	ड
	एकूण	१००	

(४) अनुदान पात्रतेसाठी आवश्यक गुण -

अंतिमतः मुल्यांकन निकषानुसार आदिवासी उपयोजना क्षेत्र व आदिवासी उपयोजना बाह्यक्षेत्रातील (टी.एस.पी व ओ.टी.एस.पी.) व १०३ शैक्षणिक दृष्ट्या मागास गटातील ज्या मान्यताप्राप्त विनाअनुदानित प्राथमिक/माध्यमिक शाळांना एकूण १०० गुणापैकी ६५ गुण तर इतर गटामध्ये ७० गुण प्राप्त होतील, त्या शाळा अनुदानासाठी पात्र म्हणून घोषित करण्यात येतील. तथापि, याकरीता शाळेची शैक्षणिक गुणवत्ता याबाबीसाठी विहित ५० गुणापैकी ७५ टक्के गुण प्राप्त करणे अनिवार्य राहील, त्याशिवाय शाळा कोणत्याही अनुदानासाठी पात्र ठरणार नाही.

(५) स्वयंमुल्यमापनासाठी अर्ज करण्याची पध्दत-

अनुदानासाठी इच्छूक शाळेने परिच्छेद तीन मधील निर्धारित निकषानुसार स्वतःचे मूल्यमापन करुन विभाग सूचित करील त्या संकेतस्थळावर ऑनलाईन पध्दतीने आपला अर्ज सादर करावा. (यासाठी निश्चित संकेतस्थळ स्वतंत्र परिपत्रकाद्वारे घोषित केले जाईल)

(६) शाळा मूल्यांकनासाठी समिती-

१	संबंधित जिल्हयाचे शिक्षणाधिकारी (प्राथमिक शाळांसाठी शिक्षणाधिकारी (प्राथमिक) तर माध्यमिक शाळांसाठी शिक्षणाधिकारी (माध्यमिक))	अध्यक्ष
२	संबंधित तालुक्याचे गटशिक्षणाधिकारी	सदस्य
३	संबंधित जिल्हयाचे जिल्हाधिकारी यांनी नामनिर्देशित केलेले अधिकारी (सदर अधिकारी शिक्षण विभागाशी संबंधित नसावेत)	सदस्य
४	संबंधित जिल्हयाचे मुख्य कार्यकारी अधिकारी यांनी नामनिर्देशित केलेले अधिकारी (सदर अधिकारी शिक्षण विभागाशी संबंधित नसावेत)	सदस्य
५	जिल्हा परिषद प्राथमिक/माध्यमिक शाळेतील कार्यरत मुख्याध्यापक /शिक्षक (केंद्र/राज्य आदर्श पुरस्कारप्राप्त) (प्राथमिक स्तरावर प्राथमिक शाळा तर माध्यमिक स्तरावर माध्यमिक शाळांमधील शिक्षक मुख्याध्यापक / शिक्षक)	सदस्य
६	पालक शिक्षक संघातील पालकांचे ३ प्रतिनिधी (शाळेमध्ये शिकत असलेल्या विद्यार्थ्यांचेच पालक या समितीचे सदस्य राहतील)	सदस्य
७	राज्य शासनाकडून घोषित करण्यात आलेल्या स्वयंसेवी संस्था /एनजीओ पॅनलमधील एक प्रतिनिधी (याबाबत स्वतंत्रपणे यादी प्रसिध्द केली जाईल)	सदस्य

टीप : अ.क्र. ५ व ६ येथील प्रतिनिधी नामनिर्देशनांचे अधिकार शिक्षणउपसंचालक यांना तर अ.क्र. ७ प्रतिनिधी नामनिर्देशनांचे अधिकार संबंधीत जिल्हयाचे जिल्हाधिकारी यांना राहतील.

(७) मुल्यांकन समितीची जबाबदारी-

ऑनलाईन प्रणालीमार्फत शिक्षणाधिकारी यांना प्रस्ताव प्राप्त झाल्यानंतर तो विभागाच्या संकेतस्थळावर प्रसिध्द करुन त्यावर लोकांच्या हरकती मागविणे आवश्यक राहील व त्यासाठी प्रसिध्दीनंतर किमान १५ दिवसांचा कालावधी निश्चित करण्यात यावा. याप्रमाणे प्राप्त झालेल्या सर्व अर्जाची तपासणी मुल्यांकन समितीकडून केली जाईल. (यासाठी निश्चित संकेतस्थळ स्वतंत्र परिपत्रकाद्वारे घोषित केले जाईल) यानंतर सर्व प्राप्त अर्ज मुल्यांकन (गुणदान) तपशिलासह तपासणी समितीकडे पाठविण्यात यावेत.

(८) तपासणी समितीची रचना -

१	संबंधित विभागीय शिक्षण उपसंचालक	अध्यक्ष
२	विभागीय शिक्षण उपसंचालकांनी नामनिर्देशित केलेले पालक शिक्षक संघाचे एक प्रतिनिधी (शाळेमध्ये शिकत असलेल्या विद्यार्थ्यांचेच पालक या समितीचे सदस्य राहतील तसेच हा सदस्य त्या विभागातील मुल्यांकन समितीचा सदस्य नसावा.)	सदस्य

३	विभागीय आयुक्तांनी नामनिर्देशित केलेले अधिकारी (ज्या शाळेचे मूल्यांकन करावयाचे आहे ती शाळा ज्या जिल्हयात आहे त्या जिल्हयाबाहेरीत असावेत तसेच सदर अधिकारी शिक्षण विभागाशी संबंधित नसावेत)	सदस्य

(९) तपासणी समितीची जबाबदारी -

तपासणी समितीने मूल्यांकनासाठी प्राप्त झालेल्या एकूण अर्जांपैकी २० टक्के अर्ज तपासावेत. समितीने कोणते २० टक्के अर्ज तपासावेत यात संदिग्धता राहू नये या हेतूने पुढील कार्यपध्दती असावी.

"तपासणी समितीने एकूण प्राप्त अर्जाना अनुक्रमांक द्यावेत. या अनुक्रमांकाच्या चिठ्या टाकून लॉटरी पध्दतीने सर्व समिती सदस्यांच्या समक्ष २० टक्के चिठ्या काढाव्यात. या पध्दतीने निवड झालेल्या अनुक्रमांकाच्या प्रस्तावाची तपासणी समितीने करावी."

यानंतर तपासणी समितीने आपल्या विभागातील मुल्यांकनानंतर अनुदानासाठी पात्र शाळांची यादी शासनाकडे सादर करावी.

(१०) अनुदानासाठी पात्र / अपात्र शाळांची घोषणा -

मूल्यांकनानुसार अनुदानासाठी पात्र ठरलेल्या शाळांची यादी शासन घोषित करील व यादी घोषित झाल्यानंतर पात्र / अपात्र शाळांच्या संदर्भात एक महिन्याच्या आत शिक्षणाधिकारी (प्राथमिक/माध्यमिक) यांच्यामार्फत संबंधित शाळांना निकषनिहाय प्राप्त गुण कळविण्यात येतील.

(११) अनुदान हा शासनाचा स्वेच्छाधिकार -

अ) अनुदानासाठी शाळा पात्र झाली म्हणजे त्या शाळेस अनुदानाचा हक्क प्राप्त होत नाही. संबंधित शाळांना अनुदान लागू करणे हा शासनाचा स्वेच्छाधिकार असून निधीच्या उपलब्धेनुसार शासन निकषपात्र शाळांना अनुदान लागू करील. हे अनुदान भूतलक्ष्यी प्रभावाने लागू केले जाणार नाही. तसेच शाळांना विना अनुदान तत्वावर कोणत्याही शैक्षणिक वर्षात मान्यता दिलेली असली तरी, शासन वेळोवेळी उपलब्ध होणारी आर्थिक संसाधने व राज्याच्या गरजा व त्यांचा प्राध्यमक्रम विचारात घेवून अनुदानाच्या सुत्रात बदल करील व ज्या शाळांना अनुदान सुरु करण्यात आले नाही, त्या शाळांना जेव्हा अनुदान सुरु करावयाचे असेल त्यावेळेचे अनुदान सुत्र त्यांना लागू राहील.

ब) अनुदानासाठी पात्र ठरलेल्या शाळांना निधीच्या अनुपलब्धेमुळे अनुदान सुरु होवू शकले नसेल आणि जेव्हा निधी उपलब्ध होईल व जेव्हापासून अनुदान सुरु करण्यात येईल त्यावेळी अशा शाळांना ज्या टप्प्यावरील अनुदान देय राहील त्या टप्यावरील अनुदान लागू करण्यात येईल. तत्पूर्वीचे कोणतेही अनुदान अनुज्ञेय असणार नाही.

क) अनुदानाचा पुढील टप्पा केव्हा लागू करावा याबाबत संभ्रम राहू नये व राज्यात सर्व जिल्हयात याबाबत अंमलबजावणीत एकवाक्यता राहावी म्हणून स्पष्ट करण्यात येते की, निकषपात्र कोणत्याही शाळेस ज्या आर्थिक वर्षात ज्या टप्प्यावरचे अनुदान सुरु करण्यात येते, त्यापुढील टप्पा पुढील आर्थिक वर्ष सुरु झाल्यानंतर लागू करण्यात यावा.

(१२) एखादी शाळा सतत तीन वर्षे मुल्यांकनात अपात्र ठरल्यास त्या शाळेची परवानगी किंवा मान्यता आपोआप रद्द होईल.

(१३) मुल्यांकन निकष व अनुदान सुत्रासंदर्भात यापूर्वीचे सर्व शासन निर्णय अधिक्रमित करण्यात येत असून यापुढील काळात या शासन निर्णयाप्रमाणेच कार्यवाही करण्यात यावी.

(१४) दरम्यान या दोन्ही समित्यांच्या अशासकीय सदस्यांना द्यावयाचा प्रवासखर्च व बैठकभत्ते याबाबत वित्त विभागाच्या सहमतीने

स्वतंत्रपणे आदेश निर्गमित केले जातील.

(१५) सदर शासन निर्णय महाराष्ट्र शासनाच्या संकेतस्थळावर (www.maharashtra.gov.in) उपलब्ध असून त्याचा सांकेतांक क्रमांक 201111151136546 असा आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,"

7. In the present case, the submissions of the petitioners is that they were never communicated any decision by Education Officer of the District. On the contrary, one group of the petitioners stated that their proposals of grant-in-aid has been accepted by the State Government and the schools were held entitled for grant-in-aid. For this purpose, the petitioners have relied upon the Government Resolution dated 06.02.2023. By this Resolution, the State Government has declared the names of the schools, which are entitled for grant-in-aid. In the said Resolution, it is also mentioned that non-declared schools (अघोषित शाळा) would be entitled for 20% grant-in-aid. Hence, the submission of one group of the petitioners is that once the State Government has held them entitled for grant-in-aid, then without granting opportunity of hearing, the Government cannot take adverse decision against them in the matter. The same is in violation of principles of natural justice.

8. The second group of the petitioners submits that, they have forwarded their proposals in terms of Government Resolution dated 15.11.2011 and subsequent Government Resolution to the District Level

Committee. According to them, their proposals are till date under process. The State Government till date not rejected their proposals nor communicated about the rejection of their proposals. Therefore, holding them disqualified by alleging that the respective schools repeatedly failed to satisfy the assessment criteria is per-se illegal. Therefore, according to them, impugned action de-hors the provisions of law and liable to be quashed and set aside.

9. The third group in the present petitions alleged that as per the policy of the State Government, their proposals for grant-in-aid are ready but the District Level Committee is not accepting their proposals. As such, till date, no proper assessment of their schools has been done. According to them, in absence of any assessment done by the District Level Committee, the State Government cannot disqualify them on the ground that they repeatedly failed to fulfill the assessment norms and, thereby permanently disqualified for grant-in-aid.

10. The perusal of Government Resolutions dated 01.04.2026 and 02.04.2026 shows that the State Government by its Resolution dated 01.04.2026 has disqualified 433 Primary Schools and 33 additional Classes running on non grant-in-aid basis of various schools. Likewise, as per the Government Resolution dated 02.04.2026, 324 Secondary Schools and 412 additional classes running on non-grant in-aid basis are

held to be disqualified permanently from receiving grant-in-aid. Most of these Primary and Secondary Schools are Marathi Medium Schools and few schools are from other mediums. These schools are situated in a rural areas and some schools in a remote area, wherein the students have been admitted long back and the Management is discharging public function of providing education to the students of such Primary and Secondary Schools.

11. It is further pertinent to note that in each Primary and Secondary Schools, the management has already appointed the staff and with the help of those staff members, they are discharging public function of imparting education to the students at rural area. Therefore, State Government ought to have considered the fact that due to this drastic action, students at large and also the teaching and non-teaching staff working in the schools would be adversely affected. However, there is no consideration to this material aspects in the matter.

12. The perusal of the provisions of Self-Finance act, 2012 clearly demonstrates the fact that it is the prerogative of the management for moving an application to the State Government to start the schools under the provisions of Self-Finance Act 2010. It is well settled position of law, by executing order, statutory provisions can not be over-ride. On this count also we found that the directions given by the State Government to

the schools, to move appropriate application under the provisions of the Self Finance Act, 2012 to run the school is not justified in the matter.

13. It is noted by this Court from the submission made by the parties that their schools received the permission from the State Government long back and after granting permission, Education Department has granted recognition to the schools by invoking the powers available under the provisions of Secondary School Code. As such, as on date, their status is of recognized schools. Under the provisions of Secondary School Code, the mechanism is provided for withdrawal of recognition of the schools. However, in the present case, without taking the recourse of said provisions, directly, the State Government has passed the order of withdrawing their recognition and absorbing the students in the other schools. In our considered opinion, before taking such decision, the respective schools and the teachers as well as students, who are prosecuting their studies in the schools, the fate of staff working in the schools, whether there are availability of neighboring schools to absorb the students ought to have been looked into the matter and for this purpose, hearing opportunity ought to have been granted to them. For the perusal, the details of the school when it was permitted to start and present status is reproduced as under:

Writ Petition No.	Name of Educational Institution	Name of the School	Date of permission /recognition	Status of grant-in-aid	Sr. No. in impugned Government Resolution
WP/1807/2026	Noor-Ul-Huda Education Society, Akkalkot	Urdu Secondary School, New Shelagi	04.09.1987	Held Eligible for partial grant-in-aid vide Government Resolution dated 06.02.2023	02.04.2026 Sr. No. 156
WP/1875/2026	Phaltan Urdu Education Society, Phaltan	Urdu primary School, Phaltan	14.06.2016	Proposal for Grant-in-aid is pending	01.04.2026 Sr. No. 212
WP ST/3481/2026	Lavel Vibhag Shikshan Prasarak Mandal, Lavel	Vishwanath Vidyalaya Va Kai. Pa Shri Tatha Anna Saheb Behere Kanishtha Mahavidyala,	17.12.2007	Proposal for Grant-in-aid is pending	02.04.2026 Sr. No.208
WP ST 3479/2026	Datta Shikshan Prasarak Mandal, Panutre	Vitthal Patil Madhyamik Vidyalaya Va Junior College, Kale	01.09.2009	Proposal for Grant-in-aid is pending	02.04.2026 Sr.No.222
WP ST 1876/2026	Sharada Shikshan Prasarak Mandal, Yadhwantnagar	Swami Vivekanand Vidyalaya,	30.08.2002	Proposal for Grant-in-aid is pending	02.04.2026 Sr. No. 230
WP ST 3593/2026	Rukminibai Mate Shikshan Sanstha, Kamathe	1. Ma. Balaso Mate Madhya. V. Uccha Madhya. Vidyalaya, Kamathe 2. New English School and Junior College, Pachad-Shiral	15.10.2009 13.01.2010	Proposal for grant in aid rejected. Writ Petition is pending challenging rejection	02.04.2026 Sr. No. 198 Sr No. 200
WP ST 3591/2026	Sane Guruji Shikshan Prasarak Mandal, Janashi	Sane Guruji Vidya Mandir and P.B.Chavan Arts and Commerce (Combined) College, Janashi	25.07.2008	Proposal for Grant-in-aid is pending	02.04.2026 Sr. No. 259
WP ST 3622/2026	Anjuman Targheeb-E-Taleeem Shikshan Prasarak Mandal, Station Raod, Akkalkot	Anglo Urdu Primary School, Akkalkot	20.03.2002	Proposal for Grant-in-aid is pending	01.04.2026 Sr. No.174
WP ST 3609/2026	Mangalwedha Education Society, Mangalwedha, Dist. Solapur	Jawaharlal Urdu High School Mangalwedha, Dist. Solapur	27.08.2009	The Education Officer (Secondary), Zilla Parishad, not accepting proposal of evaluation/assessment to releasing grant-in-aid.	2nd April 2026 Sr. No.152
WP 1932/2026	Sahyandri Shikshan Sanstha	Sahyandri Shikshan Sanstha Sanchalit Primary School (Sawarde)	07.03.2003	Held eligible for grant-in-aid by G.R. dated 01.07.2016 (Pg 37-40) Name of School at Se. No.20	G. R. 01.04.2026 Sr. No.203
WP 1938/2026		New English School and Junior College (Kherdi)	27.07.2012	Name of School not included in G.R. sanctioning grant-in-aid. Hence Petitioners have filed Writ Petition No.10565 of 2024 for direction to sanction grant-in-aid. WP is pending.	G.R. 02.04.2026 Sr. No.199
WP 1937/2026		Govindrao Nikam Secondary and Higher Secondary	Additional Divisoins 16.11.2013	Name of School not included in G.R. sanctioning grant-in-aid.	G.R. 02.04.2026 Sr. No.201

		School, (Sawarde)		Hence Petitioners have filed Writ Petition No.9536 of 2024 for direction to sanction grant-in-aid. WP is pending	
WP 1936/2026		New English School and Junior College, Ambdas	09.12.1991	--	G.R. 02.04.2026 Sr. No.207
WP 1934/2026		Vasant Shankar Desai Secondary and Higher Secondary School (Asurde Ambatkhot)	Std. 11th Arts 25.07.2008, Additional Divison Std. 11th Commerce on unaided basis 04.09.2015 Std. 12th Arts Additional Division 28.10.2015	Proposal seeking grant-in-aid not accepted by Education Officer for want of individual approval orders of teachers.	G.R. 02.04.2026 Sr. No.202
WP 1935/2026		Shrinath Vidyalaya and Junior College of Science	10.07.2008	Recommendation made for sanction for grant-in-aid by respondent No.4, respondent No.3 and respondent No.2 to respondent No.1 (pg-43 to 49) but no final decision taken by respondent No.1	G.R. 02.04.2026 Sr. 465

From these details, it can be seen that all these schools are having due permissions from State Government as well as recognition from Education Authorities. No record is available to the effect that before disqualification of them, for consecutive three years schools failed to satisfy the norms of assessment to receive grant-in-aid. The institutions are imparting education. The institutions are functioning for several years. Therefore, before taking a drastic action against them, without granting opportunity of hearing, is certainly illegal in the facts and circumstances of the matter.

14. It is noted by us that by these Government Resolutions, most of the

school from 433 Primary Schools and 324 Secondary Schools are providing the education in Marathi medium at various places and more particularly, in rural areas are likely to be closed down by the impugned order. The State Government at one hand is insisting that Marathi language should be given importance in the entire State and on the other hand, by said action, trying to close down Marathi schools. As such, this action is not in accordance with the object, which State is trying to achieve in the State of Maharashtra. So also, the students, who belongs to poor family and prosecuting their studies in Marathi Medium Schools or other Medium Schools cannot be deprived from primary and secondary education, which the private management is trying to provide them through their institutions.

15. At the cost of repetition, we again reiterated that while closing down the schools, various factors are required to be considered by the State Government. Such as, whether the schools can be converted as the Self-Finance Schools by the direction under the Government Resolution, particularly when provisions of Self-Finance Act is having altogether different procedure to grant permission. Secondly, whether the teaching and non-teaching staff working in the Marathi Primary and Secondary Schools can be absorbed in the Self-Finance School, particularly there is no provisions of absorption of staff working in non grant-in-aid school.

Thirdly, if the students, those are in large numbers can be accommodated in the nearby schools, particularly, when in the rural and remote area, there are no sufficient schools for the students to prosecute their studies. Whether the medium in which students are prosecuting their studies can be continued in same medium in other schools. However, these facts are totally ignored by the State Government while taking this decision. Therefore, in our considered opinion, it is absolutely necessary for the Government to conduct the individual hearing of each schools before taking any drastic action against them by at least adopting the procedure which is contemplated under the Government Resolution dated 15.11.2011.

16. It would be relevant to refer the judgment of Hon'ble Supreme Court of India in the case of ***S.G. Jaysinghani Vs. Union of India reported in AIR 1967 SC 1427***. The Hon'ble Supreme Court has specifically observed in this judgment that in a system governed by rule of law, discretion, when conferred upon the executing authorities, must be confined within clearly defined limits. The decision should be made by application of known principles and rules and, in general, such decisions should be predictable and the citizens should know where he is. If a decision is taken without any principle or without any rule, it is unpredictable and such decision is the antithesis of a decision taken in

accordance with the Rule of law. It would be relevant to refer the paragraph No.14 in this regard, wherein observation made by the Hon'ble Supreme Court as under.

> "*14. In this context it is important to emphasize that the absence of arbitrary power is the first essential of the rule of law upon which our whole constitutional system is based. In a system governed by rule of law, discretion, when conferred upon executive authorities, must be confined within clearly defined limits. The rule of law from this point of view means that decisions should be made by the application of known principles and rules and, in general, such decisions should be predictable and the citizen should now where he is. If a decision is taken without any principle or without any rule it is unpredictable and such a decision is the antithesis of a decision taken in accordance with the Rule of law. (See Dicey Law of the Constitution -10th Edn., Introduction ex). "Law has reached its finest moments," stated Douglas, J. in United States v. Wunderuck, "when it has freed man from the unlimited discretion of some ruler.... Where discretion, is absolute, man has always suffered". It is in this sense that the rule of law may be said to be the sworn enemy of caprice. Discretion, as Lord Mansfield slated it in classic terms in the case of John Wilkes, "means sound discretion guided by law. It must be governed by Rule, not by humour: it must not be arbitrary, vague, and fanciful.*"

17. In view of this decision of the Hon'ble Supreme Court and subsequent catena of judgment, it is time and again held that any adverse order passed by the Government, though need not contain the reasons like the Court order but, it must contain reasons to disclose as to how they arrived at such decision showing application of mind. As such,

appropriate reasons are necessary for a valid order in support of action or decision taken by the authority or by the State.

18. In the present matter, learned AGP failed to point out from the impugned Government Resolution that any such hearing opportunity was given to the petitioners in the matter, the factors which we have noted above are considered and after due consideration of the relevant aspects the decision is taken in the matter. The lame attempt has been made by stating that the Government has issued one letter dated 20.12.2022, whereby the petitioners were given one month notice to satisfy the deficiencies in their assessment proposal. However, the petitioners came with a specific submission that no such notice of any kind was issued to them by the State Government. It is clear from the record that said notice which is relied by the State Government came to be issued before issuing the Government Resolution dated 06.02.2023, by which most of the schools were held entitled for grant-in-aid. Here the challenge is to the Government Resolutions dated 01.04.2026 and 02.04.2026 which are issued about 4 years later than the communication dated 20.12.2022, which according to us is not related in the matter.

19. In light of the above reasons, we are satisfied that the action taken under the impugned Government Resolutions dated 01.04.2026 and 02.04.2026 of closing down the primary schools without granting them

opportunity of hearing is in violation of principles of natural justice, hence, both these Government Resolutions are held to be not applicable to the extent of petitioners. Government is hereby directed, to delete the names of petitioner institutions from the list of the schools which is published along with the Government Resolutions dated 01.04.2026 and 02.04.2026.

20. Needless to mention that the petitioners would continue their respective schools and no action as contemplated under the Government Resolutions dated 01.04.2026 and 02.04.2026 can be initiated against them in the matter.

21. In terms of above directions, the Writ Petitions stand disposed of. No order as to the costs.

[Pravin S. Patil, J.] [Madhav J. Jamdar, J.]