

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

WRIT PETITION NO.1971 OF 2026

Datta Shikshan Prasarak Mandal ...Petitioner
Through its President
Mahesh Datta Kalekar

Versus

The State of Maharashtra & Ors. ...Respondents

WITH

WRIT PETITION NO.2012 OF 2026

Higher Education Society Shirala ...Petitioners
Through Chairman & Ors.

Versus

The State of Maharashtra & Ors. ...Respondents

WITH

WRIT PETITION (STAMP) NO.3936 OF 2026

Ramraje Jr. College of Arts, Commerce ...Petitioners
and Science, Dapoli Dist. Ratnagiri
Through its Principal,
Vedika Chetan Rane & Anr.

Versus

The State of Maharashtra & Ors. ...Respondents

WITH

WRIT PETITION (STAMP) NO.3631 OF 2026

Halkarni Bhag Shikshan Prasarak Mandal, ...Petitioners
Through Chairman Vijay Manilal Shah & Ors.

Versus

The State of Maharashtra & Ors. ...Respondents

WITH

WRIT PETITION (STAMP) NO.3673 OF 2026

Janata Shikshan Sanstha Kotoli & Ors. ...Petitioners

Versus

The State of Maharashtra & Ors.

...Respondents

WITH

WRIT PETITION NO.2026 OF 2026

Dnyansamwardhini Shikshan Sanstha, Shirwal
Through its President/Secretary & Anr.

...Petitioners

Versus

The State of Maharashtra & Ors.

...Respondents

WITH

WRIT PETITION NO.2027 OF 2026

Maharashtra Shikshan Mandal, Kolhapur
Through its President/Secretary & Anr.

...Petitioners

Versus

The State of Maharashtra & Ors.

...Respondents

WITH

WRIT PETITION (STAMP) NO.3947 OF 2026

(not on board)

Atpadi Education Society, Atpadi

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

WITH

WRIT PETITION (STAMP) NO.4045 OF 2026

(not on board)

Atpadi Education Society, Atpadi

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

WITH

WRIT PETITION (STAMP) NO.4005 OF 2026

(not on board)

Late Balwantrao Patil Shikshan
Prasarak Mandal, Khupire

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

WITH

WRIT PETITION (STAMP) NO.4006 OF 2026

(not on board)

Rashtriya Shikshan Sangh

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

WITH

WRIT PETITION (STAMP) NO.4004 OF 2026

(not on board)

Dnyansanwardhini Education Society, Shirwal

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. Arvind G. Ambetkar a/w Surekha H. Kamble, for the Petitioner in WP/1971/2026.

Mr. S. B. Kalel, AGP, for the Respondent-State in WP/1971/2026.

Mr. Chetan G. Patil a/w Prathamesh P. Magadum & Bhushan S. Jadhav, for the Petitioners in WP/2012/2026.

Ms. T. J. Kapre, AGP, for the Respondent-State in WP/2012/2026.

Mr. S. B. Talekar a/w Saurabh Veer & Vishakha Patil i/b Talekar & Associates, for the Petitioners in WPST/3936/2026.

Ms. T. J. Kapre, AGP, for the Respondent-State in WPST/3936/2026.

Mr. Chetan G. Patil a/w Prathamesh P. Magadum & Bhushan S. Jadhav, for the Petitioners in WPST/3631/2026.

Mr. V. M. Mali, AGP, for the Respondent-State in WPST/3631/2026.

Mr. Chetan G. Patil a/w Prathamesh P. Magadum & Bhushan S. Jadhav, for the Petitioners WPST/3673/2026.

Mr. S. B. Kalel, AGP, for the Respondent-State WPST/3673/2026.

Mr. Prashant Bhavake, for the Petitioners in WP/2026/2026 & WP/2027/2026.

Mr. S. B. Kalel, AGP, for the Respondent-State in WP/2026/2026 & WP/2027/2026.

Mr. S. B. Talekar a/w Saurabh Veer & Vishakha Patil i/b Talekar & Associates, for the Petitioner in WPSt/3947/2026 & 4045/2026, 4005/2026, 4006/2026 & 4004/2026.

Mr. A. P. Vanarase, AGP, for the Respondent-State in WPSt/3947/2026.

Ms. T. J. Kapre, AGP, for the Respondent-State in WP/4045/2026 & WPST/4006/2026.

Ms. S. N. Deshmukh, AGP, for the Respondent-State in WP/4005/2026.

Mr. V. M. Mali, AGP, for the Respondent-State in WPST/4004/2026.

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

Date : May 8, 2026.

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

- 1.** By these writ petitions, challenge is to the Government Resolutions dated 01.04.2026 and 02.04.2026, whereby the State Government has taken a decision to disqualify the petitioner-institutions from receiving grant-in-aid on the ground that they repeatedly failed to comply with the norms prescribed for the assessment of the institutions to receive grant-in-aid from State Government.
- 2.** It is also held that the petitioners would be at liberty to move applications on or before 30th April 2026 for registration of the schools under the provisions of the Maharashtra Self-Financed Schools (Establishment and Regulation) Act, 2012. The Government further held that, in case the petitioners failed to move such applications on or before 30th April 2026, the students of the schools would be absorbed in nearby schools or other schools run by local authorities.
- 3.** 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-Taleem 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 School, (Sawarde)	Additional Divisoins 16.11.2013	Name of School not included in G.R. sanctioning grant-in-aid. Hence Petitioners have filed Writ Petition No.9536 of 2024 for direction to sanction grant-in-aid. WP is pending	G.R. 02.04.2026 Sr. No.201
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. 11 th Arts 25.07.2008, Additional Divison Std. 11 th Commerce on unaided basis 04.09.2015 Std. 12 th Arts	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

			Additional Division 28.10.2015		
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
WPST3661/2026	Shri Datta Shikshan Prasarak Mandal Shirol, Tq. Shirol Dist. Kolhapur	Janata High School & Jr. College, Shirol, Tq. Shirol, Dist. Kolhapur	2010 11 th & 12 th Science	Proposal of evaluation /Assessment for receiving grant-in-aid is pending proposal dated-25.10.2014	Government Resolution dated 2 nd April 2026 Sr. No.228
WP/2012/2026	High Education Soceity, Shirala	Kanya Shala and Junior College Shirala	15.10.2008 For 11 th Arts & September 2009 for 12 th Arts	Proposal for Grant-in-aid is pending since 09.11.2022	Sr. NO.252 Ap,pendix-A in G.R. dt.02.04.2026.
WP/3631/2026	Halkarni Bhag Shikshan Prasarak Mandal, Halkarni	Ashok Raosaheb Desai High School and Junior College, Terani	15.10.2008 For 11 th combined arts and commerce & 11.09.2009 for 12 th	Proposal for Grant-in-aid is pending since 2021	Sr. No.236 Appendix-A in G.R. dt. 02.04.2026
WPST 3673/2026	Janata Shikshan Sanstha Katoli	Nehru Vidyamandir and Junior College Kotoli	16.12.2009 For 11 th science & 06.10.2010	Proposal for Grant-in-aid is pending since 2015	Sr. No.221 Appendix-A in G.R. dt. 02.04.2026
WP/2026/2026	Dnyansamwardhini Shikshan Sanstha, Shirwal	Dnyansamwardhini Uchcha Madhyamik Vidyalaya, Shirwal	07.06.2003	1. Proposal for Grant-in-aid is pending from October, 2024 at Director of Education. 2. The Dy. Director vide recommendation letter dated 8-10-2024 held that the Petitioner-School is eligible for grant in aid.	Sr. No. 178 in G.R. dt. 02.04.2026
WP/2027/2026	Maharashtra Shikshan Prasarak Mandal, Kolhapur	Vikas Vidya Mandir, Dudhali	01.01.2003	1. Proposal for Grant-in-aid is pending from 31-5-2024 at Director of Education. 2. The Dy. Director vide recommendation letter dated 16-5-2024 held that the Petitioner-School is eligible for grant in aid.	Sr. No. 177 in G.R. dt. 01.04.2026
WP (ST) 3936 OF 2026	Distinctive Education Society, Dapoli	Ramraje Jr. College of Arts, Commerce & Science, Dapoli	2006	166	Yes
WP (ST) 3947 OF 2026	The Atpadi Education Society Atpadi	Pimpiri Bk. Hightschool Pimpiri Bk.	2003	232	Yes
WP (ST) 4045 OF 2026	The Atpadi Education Society Atpadi	Valvan Highschool, Valvan	2003	233	Yes

WP (ST) 4005 OF 2026	Late Balwantrao Patil Shikshan Prasarak Mandal, Khupire	B.H Patil Junior College, Khupire	2006	164	Yes
WP (ST) 4006 OF 2026	Rashtriya Shikshan Sangh	Madhyamik Vidyalaya, Subhashnagar.	2006	234	Yes
WP (ST) 4004 OF 2026	Dnyansamvardhini Education Society, Shirwal	Dnyansamvardhini Ucch Madhyamik Vidyalay, Shirwal.	2003	178	Yes

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.

4. It is pertinent to note that this Court has already considered an identical issue in Writ Petition No. 1932 of 2026 and other connected matters decided on 29th April 2026. This Court has specifically recording finding in paragraph nos. 14 to 17 which will be relevant in the present petitions also. The same are reproduced as under :

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."

4. In light of the above findings recorded in Writ Petition No. 1932 of 2026 along with other connected petitions, we allow the present writ petitions by relying upon the same reasons recorded therein.

5. In the light of the above, it is made clear that the Government Resolutions dated 01.04.2026 and 02.04.2026 would not be applicable to the extent of petitioners. Government is hereby directed to delete the names of petitioners' institutions from the list of the schools which is published along with the Government Resolution dated 01.04.2026 and 02.04.2026.

6. 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.

7. In terms of above directions, the writ petitions stand disposed of. No order as to costs.

[Pravin S. Patil, J.]

[Madhav J. Jamdar, J.]