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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.946 OF 2026

Pune Vidyarthi Griha and Anr.

...Petitioners

Versus

The Principal Chief Secretary, School
Education and Sports Department & Ors.

...Respondents

Mr. Saurabh Oka, for the Petitioners.

Mr. A.I. Patel, Addl. G.P. with Smt. Tanu N Bhatia for the State.

Ms. Yashashree Raut h/f. Manisha Jagtap for Pune Municipal Corporation.

Mr. Aniruddha Kulkarni, Under Secretary, School Education and Sports Department, Mantralaya, Mumbai.

CORAM : R.I. CHAGLA AND
ADVAIT M. SETHNA, JJ.

DATE : 17TH MARCH, 2026

ORDER :

1. By this Writ Petition, the Petitioners are seeking a direction to the Respondents to reimburse the Petitioner No.2 School by paying the pending dues to the tune of Rs.3,36,71,351/- as expeditiously as possible.

2. The Petitioner No.2 school is one of the schools run by the Petitioner No.1 Trust and has been imparting education from 12th June, 1978. The Right of Children to Free and Compulsory Education Act, 2009 (“RTE Act”) is applicable to the Petitioner No.2 School. The Petitioner No.2 school has been admitting the students under the provisions of Section 12 of the RTE Act since Academic Year 2012-13. Section 12 (2) of the RTE Act creates an obligation on the Respondents that all such schools 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 under the head of Tuition Fee, whichever is less, in such manner as may be prescribed.

3. The Petitioner No.2 School has been giving details of admissions to the Respondents in the prescribed format every year and till the Academic Year 2018-19. It is the Petitioners case that since the year 2019-20 the Petitioner No.2 school has not been reimbursed part amounts due to it under Section 12 of the RTE Act inspite of admitting students as per chart provided in the Petition and fulfilling its obligations under the RTE Act.

4. The Petitioners have accordingly filed the present Petition for getting reimbursement to the Petitioner No.2 school for pending payments to the tune of Rs.3,91,18,383/- which is required to be reimbursed by the Respondents.

5. Mr. A.I. Patel, the Additional Government Pleader appearing for the Respondent – State on instructions states that after scrutiny, the Respondents will reimburse the Petitioner No.2 School their pending dues to the extent due and payable within a period of eight weeks from 1st April, 2026. In so far as amount of Rs.58,48,750/- out of the pending dues, this will be reimbursed by the Respondents to the Petitioner No.2 School on or before 15th April, 2026. The statement is accepted.

6. In view of the above statement, prayer Clause (a) which prayer has been pressed by the Petitioners has been worked out.

7. Writ Petition is accordingly disposed of in light of the above statement on behalf of the Respondents. There shall be no order as to costs.

8. Needless to state that in the event the Petitioners are not satisfied with the scrutiny of the Respondents in so far as pending dues are concerned, they are at liberty to take out appropriate proceedings challenging the same.

[ADVAIT M. SETHNA, J.]

[R.I. CHAGLA J.]