

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3834 OF 2026

Om Education Society Thru Secretary And Ors
Versus

...Petitioners

State Of Maharashtra Thru Secretary And Ors

...Respondents

Mr. Gaurav Sinha, for Petitioner.

Ms. Kavita N. Solunke, Addl. G.P. a/w V.G. Budgujar, AGP.

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

DATED : 26 MARCH, 2026

P.C.:-

1. By this writ petition, the Petitioner is seeking a direction to the Respondents to reimburse the Petitioner No. 3 to 5 Schools by paying the pending dues to the tune of Rs. 3,65,75,530/- as expeditiously as possible.

2. The Petitioner Nos. 3 to 5 are the schools run by the Petitioner Nos. 1 and 2 – Societies have been imparting education. The Right of Children to Free and Compulsory Education Act, 2009 (“RTE Act”) is applicable to the Petitioner Nos. 3, 4 and 5 Schools. The Petitioner Nos. 3 to 5 Schools have 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 Nos. 3 to 5 Schools have been giving details of admissions to the Respondents in the prescribed format every year and till the Academic Year 2024-25. It is the Petitioners case that since the Year 2018-19 the Petitioner Nos. 3 to 5 schools have not been reimbursed part amounts due to it under Section 12 of the RTE Act inspite of admitting students as per the 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 Nos. 3 to 5 Schools for pending payments to the tune Rs. 3,65,75,530/- which is required to be reimbursed by the Respondents.

5. Ms. K.N. Solunke, the Additional Government Pleader appearing for the Respondent – State on instructions states that after scrutiny, the Respondents will reimburse the Petitioner Nos. 3 to 5 Schools their pending dues to the extent due and payable within a period of eight weeks from 1st April, 2026. The statement is accepted.

6. In view of the above statement, prayer clause (a) which prayer has been pressed by the Petitioner 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.]