



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

937 WRIT PETITION NO. 5264 OF 2026

Tamjime Tarakki Shikshan Prasarak Mandal Ashti Thr Its President
Mirza N Baig

VERSUS

The State Of Maharashtra Thr Its Secretary And Ors

...

Mr. S. A. Nagarsoge, Advocate for the Petitioner
Mr. R. S. Wani, AGP for Respondent-State

...

AND

938 WRIT PETITION NO. 5266 OF 2026

Indrayani Pratishthan Parli Thr Its Secretary

VERSUS

The State Of Maharashtra Thr Its Secretary And Ors

...

Mr. S. A. Nagarsoge, Advocate for the Petitioner
Mr. A. M. Phule, AGP for Respondent-State

...

AND

944 WRIT PETITION NO. 5289 OF 2026

Siddeque Urdu Primary School Warudi Thr Its Headmaster Mubeen V
Patel

VERSUS

The State Of Maharashtra Thr Its Secretary And Ors

...

Mr. K. D. Pote h/f Mr. A. G. Ambetkar, Advocate for the Petitioner
Ms. N. B. Kamble, AGP for Respondent-State

...

**CORAM : SMT. VIBHA KANKANWADI &
AJIT B. KADETHANKAR, JJ.**

DATED : 08TH MAY, 2026

ORDER :-

. Issue notice to respondents in all matters. Learned AGPs waive notice for respondents/State in respective petitions. Notice of other respondents is made returnable on 18.06.2026.

2. All the learned Advocates for respective petitioners rely on the interim order passed by this Court on 30.04.2026 in Writ Petition No.4695 of 2026 with companion matters and pray for the interim protection, however, taking into consideration the wordings in the impugned Government Resolution dated 01.04.2026 in respect of Primary Schools and another Government Resolution dated 02.04.2026 in respect of Higher Secondary School, which are under challenge, not only in this petition but also in other petitions, we state that the point as regards the effect of the Government Resolutions dated 01.04.2026 and 02.04.2026 would be subject to the outcome of the petitions.

3. All the learned Advocates for petitioners submit that in view of said Government Resolutions, the students would be shifted to the nearby other schools and then the petitions would become infructuous.

4. We had thereafter called upon the learned AGPs to take instructions in respect of shifting of students. Thereupon, they submit that in Writ Petition No.4750 of 2026 they have placed on record the communication dated 07.05.2026 received by them from the Desk Officer, Education and Sports Department, Mantralaya, Mumbai. The relevant portion is paragraph No.5, which reads thus :

“ 5. त्यानुसार शासनाने, संदर्भाधीन कं.1, 2 येथील शासन निर्णयान्वये, राज्य शासनाद्वारे वेळोवेळी मुल्यांकन होवूनही वारंवार अपात्र ठरलेल्या प्राथमिक, माध्यमिक व उच्च माध्यमिक शाळा / कनिष्ठ महाविद्यालये व तुकड्यांना वेतन अनुदानाकरीता कायमस्वरूपी अपात्र घोषित केले आहे. व त्यानुसार, उपरोक्त शासन निर्णयांत नमूद शाळांना स्वयंअर्थसहाय्यित अधिनियमातील नरतुदीनुसार शासन मान्यतेसाठी अर्ज करण्याकरीता दिनांक 30.04.2026 पावेतो अखेरची मुदत देण्यात आली आहे. सदर दिनांकापूर्वी सदर शाळांनी स्वयंअर्थसहाय्यित तत्वावर मान्यतेसाठी शिक्षण संचालक (माध्यमिक व उच्च माध्यमिक), महाराष्ट्र राज्य, पुणे यांचेकडे अर्ज दाखल करणे अनिवार्य होते. तसेच विहित मुदतीत अर्ज दाखल करणार नाहीत, अशा शाळांची मान्यता आपोआप रद्द होईल. या शाळांमधील विद्यार्थ्यांचे समायोजन सोयीनुसार नजीकच्या स्थानिक / नागरी स्वराज्य संस्था / खाजगी अनुदानित माध्यमिक शाळांमध्ये करणेबाबत संबंधित शिक्षणाधिकारी (माध्यमिक) यांनी दिनांक 01.05.2026 ते दिनांक 31.05.2026 या कालावधीत पूर्ण करण्याचे निर्देश दिले आहेत.”

5. Here, it is to be noted that the application was required to be given by the concerned schools under the self finance as per the said

Government Resolutions by the end of 30.04.2026 and it was stated that if such application is not filed, then the recognition to the school would stand automatically cancelled. Now, at this stage, as regards the present petitions are concerned, we are not going into the facts as to whether each of the petitioners had made any such application or not. Further, certainly in view of our earlier order, we had noted that there is substance to be considered, but then if the Government Resolutions have taken effect, then it has to be interpreted and, therefore, we say that it would be subject to the outcome of the petitions.

6. Now, as regards the shifting of students is concerned, it appears that the said exercise would be taken between 01.05.2026 to 31.05.2026 and, therefore, by this interim order, we grant status quo in respect of transfer of students, if the action of shifting has not yet been started in respect of the present petitions / institutions / schools. However, at the same time, we are reiterating that we have not stated anything as regards the automatic de-recognition as is stated or contemplated under the Government Resolution.

[AJIT B. KADETHANKAR, J]

[SMT. VIBHA KANKANWADI, J.]