



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 &amp; Ors.

...Respondents

WITH

**WRIT PETITION (STAMP) NO.4004 OF 2026**

(not on board)

Dnyansanwardhini Education Society, Shirwal

...Petitioner

**Versus**

The State of Maharashtra &amp; 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.*

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**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<br>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<br>Sr. No. 212                 |



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| 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<br>2. New English School and Junior College, Pachad-Shiral | 15.10.2009<br>13.01.2010                                                                                                                       | Proposal for grant in aid rejected. Writ Petition is pending challenging rejection                                                                                               | 02.04.2026 Sr. No. 198<br>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 Targeeb-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<br>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 <sup>th</sup> Arts 25.07.2008, Additional Divison Std. 11 <sup>th</sup> Commerce on unaied basis 04.09.2015 Std. 12 <sup>th</sup> 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           |



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|                      |                                                                       |                                                                      | Additional Division<br>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.<br>02.04.2026 Sr.<br>465                                        |
| WPST3661/2026        | Shri Datta Shikshan Prasarak Mandal Shirol, Tq. Shirol Dist. Kolhapur | Janata High School & Jr. College, Shirol, Tq. Shirol, Dist. Kolhapur | 2010<br>11 <sup>th</sup><br>&<br>12 <sup>th</sup> Science                                                | Proposal of evaluation /Assessment for receiving grant-in-aid is pending proposal dated-25.10.2014                                                                                                                   | Government Resolution dated 2 <sup>nd</sup> April 2026<br>Sr. No.228 |
| WP/2012/2026         | High Education Socceity, Shirala                                      | Kanya Shala and Junior College Shirala                               | 15.10.2008<br>For 11 <sup>th</sup> Arts & September<br>&<br>2009 for 12 <sup>th</sup> Arts               | Proposal for Grant-in-aid is pending since 09.11.2022                                                                                                                                                                | Sr. NO.252<br>Ap,pendix-A in<br>G.R.<br>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<br>For 11 <sup>th</sup><br>combined arts and commerce &<br>11.09.2009<br>for 12 <sup>th</sup> | Proposal for Grant-in-aid is pending since 2021                                                                                                                                                                      | Sr. No.236<br>Appendix-A<br>in G.R. dt.<br>02.04.2026                |
| WPST 3673/2026       | Janata Shikshan Sanstha Katoli                                        | Nehru Vidyamandir and Junior College Kotoli                          | 16.12.2009<br>For 11 <sup>th</sup><br>science &<br>06.10.2010                                            | Proposal for Grant-in-aid is pending since 2015                                                                                                                                                                      | Sr. No.221<br>Appendix-A<br>in G.R. dt.<br>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.<br>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<br>G.R. dt.<br>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.<br>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<br>G.R. dt.<br>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. Highschool Pimpiri Bk.                                   | 2003                                                                                                     | 232                                                                                                                                                                                                                  | Yes                                                                  |
| WP (ST) 4045 OF 2026 | The Atpadi Education Society Atpadi                                   | Valvan Highschool, Valvan                                            | 2003                                                                                                     | 233                                                                                                                                                                                                                  | Yes                                                                  |



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